

# New Zoning Ordinance

Public Review Draft  
May 2025

MAURY COUNTY  
UNIFIED  
— DEVELOPMENT —  
PLAN  
TENNESSEE



McBride DALE  
CLARION

CLARION



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# Article 1: General Provisions

## Commentary on Draft:

**Article 1: General Provisions**, is composed of important general provisions that are relevant to the entire Zoning Ordinance.

**Section 1.1, Title**, establishes the title of the document;

**Section 1.2, Authority**, identifies the County's authority to adopt the Zoning Ordinance;

**Section 1.3, General Purpose and Intent**, establishes the general purpose and intent of the Board of Commissioners in adopting the Zoning Ordinance;

**Section 1.4, Applicability and Jurisdiction**, establishes which persons or entities are subject to the Zoning Ordinance;

**Section 1.6, Relationship with other County Laws** clarifies that when the Zoning Ordinance conflicts with other regulations, the stricter provision applies, to the extent allowed by law;

**Section 1.7, Official Zoning Map**, identifies the Official Zoning District Map and the option of maintaining a digital version;

**Section 1.8, Transitional Rules**, establishes transitional provisions that clarify the changes in zone districts, and the rules that apply to development approved under the previous Zoning Ordinance and applications pending when the updated Zoning Ordinance takes effect;

**Section 1.10, Effective Date**, provides an effective date for the updated Zoning Ordinance; and

**Section 1.11, Severability**, provides a severability provision.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 1.1 Title

### 1.1.1. Title

This Ordinance shall be known as "The Maury County, Tennessee, Zoning Ordinance" and may be referred to as "the Zoning Ordinance" or "this Ordinance."

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## Section 1.2 Authority

### 1.2.1. General Authority

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

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

### 1.2.2. References to the Tennessee Code Annotated (T.C.A.)

Whenever any provision of this Ordinance refers to or cites a section of the Tennessee Code Annotated (T.C.A.) (as amended), and that section is later amended or superseded, this Ordinance shall be deemed

amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

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### **Section 1.3 General Purpose and Intent**

In addition to the purpose of zoning regulations established in T.C.A. Section 13-7-103, the purpose of this Ordinance is to implement the Maury County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the County by:

- (A) Establishing a responsible pattern of land use and encouraging the most appropriate use of individual parcels of land in the County;
- (B) Ensuring the County's rural character is maintained and protected;
- (C) Ensuring urban and suburban growth in the unincorporated County is located proximate to existing municipalities, at nodes on major road corridors, and at interstate interchanges;
- (D) Ensuring a range and diversity of housing options;
- (E) Ensuring new development is coordinated with available planned public services and infrastructure, and adequate public facilities are available to serve new growth and development;
- (F) Ensuring the natural environment, wildlife habitat, open spaces, and historic resources are protected and conserved;
- (G) Ensuring adequate natural light, clean air, privacy, and convenient access is available to all properties;
- (H) Ensuring the bulk, scale, and density of both new and existing structures preserves the desired character of the County;
- (I) Ensuring there are appropriate transitions between incompatible land uses;
- (J) Promoting economic development and an active and dynamic economy;
- (K) Mitigating and/or avoiding the hazards of flooding, topography, steep slopes, storm water accumulation, and run-off.

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### **Section 1.4 Applicability and Jurisdiction**

The provisions of this Ordinance shall apply to the development of all land in unincorporated Maury County, unless exempted by this Ordinance, or state law, or federal law. No land in the unincorporated County shall be developed without compliance with the requirements of this Ordinance, and all other applicable County, state, and federal laws and regulations.

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### **Section 1.5 Conformance with Adopted Development Plans**

The goal of this Ordinance is to ensure that all development within the unincorporated County is consistent with, and conforms to the vision, goals, and objectives of any adopted County plans addressing growth and development within the unincorporated County. To the extent this Ordinance is or becomes inconsistent with these adopted plans, it should be amended to become or remain consistent with the adopted plans. All amendments to this Ordinance's text or the Official Zoning Map should maintain and enhance consistency between this Ordinance and the adopted plans.

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### **Section 1.6 Relationship with Other County Laws**

#### **1.6.1. Conflicts with Other County Laws**

If a provision of this Ordinance is inconsistent with another provision of this Ordinance, or with a provision found in other adopted codes or ordinances of the County, the more restrictive provision shall govern

unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

### **1.6.2. Conflicts with Private Agreements**

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

### **1.6.3. Conflicts with State or Federal Law**

If a provision of this Ordinance is inconsistent with a provision found in the law or regulations of the State or Federal government, the more restrictive provision shall control, to the extent permitted by law.

### **1.6.4. Vested Rights**

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

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## **Section 1.7 Official Zoning Map**

### **1.7.1. Generally**

The Official Zoning Map of Maury County designates the location and boundaries of the various zone districts established in this Ordinance. The Official Zoning Map:

- (A) Shall be kept on file and be maintained by the Director of Building and Zoning and made available for public inspection in the Building and Zoning offices during normal business hours;
- (B) May be kept in either hardcopy or digital form; and
- (C) Shall be the final authority as to the status of the current zone district classification of land in the County and shall only be amended in accordance with this Ordinance.

### **1.7.2. Incorporated by Reference**

The Official Zoning Map and all its notations are incorporated into this Ordinance by reference and made part of this Ordinance.

### **1.7.3. Damaged, Destroyed, or Lost**

In the event the Official Zoning Map is damaged, destroyed, lost, or becomes difficult to read and interpret due to the number of changes, the Maury County Commission ("County Commission") may, by resolution, adopt a new Official Zoning Map to replace the damaged, destroyed, or lost map. The new Official Zoning Map shall not make any substantive changes (amendments) except in accordance with the procedures of this Zoning Ordinance but may correct drafting and other clerical errors and omissions on the previous Official Zoning Map.

### **1.7.4. Boundaries of Zone Districts**

Unless otherwise expressly stated in the ordinance adopting an official Zoning Map Amendment (see Section 2.5.2), zone district boundaries shall follow the property lines or centerline of streets, or such lines extended, fixed by dimensions, or otherwise clearly shown or described.

### **1.7.5. Interpretation of Official Zone District Boundaries**

The following rules shall be used to determine the precise location of any zone district boundary shown on the Official Zoning Map:

- (A) Boundaries shown as following or approximately following the boundaries of any municipal corporation shall be construed as following such boundaries.
- (B) Boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerlines of such streets or railroad lines.

- (C) Boundary lines which follow or approximately follow platted property lines or other property lines as shown on the Maury County Tax Maps shall be construed as following such lines.
- (D) Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerline of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zone district boundaries shall be construed as moving with the channel centerline.
- (E) Boundaries shown as following or approximately following ridgelines or watersheds shall be construed as following such lines.
- (F) Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in subsections (A) through (E) above shall be construed to be parallel to such features and at such distances therefrom as are shown on the Official Zoning Map.

**1.7.6. Amendments to the Official Zoning Map**

- (A) Changes made in zone district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with the provisions of this Ordinance (see Sec 2.5.2, Zoning Map Amendment, and Sec.2.5.3, Planned Development District Map Amendment).
- (B) Changes shall be entered on the Official Zoning Map by the Director of Building and Zoning (“Director”) within a reasonable amount of time after the amendment is approved by the County Commission.
- (C) Where the ordinance enacting a zone district boundary change contains wording explaining or clarifying the location of the new boundary, the Director may enter on the Official Zoning Map notations reflecting the ordinance wording.
- (D) The Director shall maintain copies of superseded versions of the Official Zoning Map for historical reference.

**1.7.7. Transition to New Zone Districts**

On the effective date of this Ordinance, land zoned with a zone district classification from the previous Zoning Resolution shall be translated or reclassified to one of the zone district classifications in this Ordinance as set forth in Section 3.1.1, Zone Districts Established. Table 1-1: Translation to New Zone Districts, summarizes the translation or reclassification of the base zone districts in the previous Zoning Ordinance to the zone districts used in this Ordinance.

<b>Table 1-1: Translation to New Zone Districts</b>		
<b>Zone District in Previous Resolution</b>	<b>Zone District in this Ordinance</b>	<b>Sec.</b>
<b>Agricultural and Residential Districts</b>		
[2]	AP: Agricultural Preservation	3.2.2
[2]	RR: Residential Rural	3.2.3
A-1: Agricultural Forestry	RG: Residential General	3.2.4
A-2: Rural Residential		
A-2A: Rural Residential	RN: Residential Neighborhood	3.2.5
R-1: Suburban Residential		
R-2: Urban Fringe Residential		
<b>Commercial Districts</b>		
C-1: Rural Center	CRC: Commercial Rural Center	3.3.2
[2]	CN: Commercial Neighborhood	3.3.3
C-2: General Commercial	CC: Commercial Center	3.3.4
C-3: Special Commercial	[Deleted] [1]	
[2]	COR: Commercial Corridor	3.3.5
M-1: Light Industrial	IL: Industrial Light	3.3.6

<b>Table 1-1: Translation to New Zone Districts</b>		
M-2: Heavy Industrial	IM: Industrial Medium	3.3.7
M-3: Special Industrial	IH: Industrial Heavy	3.3.8
<b>Planned Development Districts</b>		
R-PUD: Residential PUD	[Deleted] [1]	
CG-PUD: Commercial General PUD		
CC-PUD: Commercial Convenience PUD		
I-PUD: Industrial PUD		
	PD: Planned Development District	3.4.2
<b>Overlay</b>		
Floodway District	FP-O: Floodplain Overlay District	3.5.2
[2]	SW-O: Solid Waste Overlay District	3.5.3
<b>NOTES:</b>		
[1] Deleted districts have no automatic transition. Property classified to a deleted district is reclassified to a new district based on an individualized determination of the appropriate district.		
[2] New districts are not applied as a default classification but are instead applied based on an individualized determination of the appropriate district.		

## Section 1.8 Transitional Rules

### 1.8.1. Violations Continue

Any violation of the previous Zoning Resolution shall continue to be a violation under this Ordinance and any other applicable ordinances, laws, or statutes. Violations of this Ordinance shall be subject to the penalties set forth in Article 7: Enforcement, and any other applicable ordinances, laws, or statutes.

### 1.8.2. Completed Applications

- (A) Any application submitted and accepted as complete before [insert effective date of this Ordinance], but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted as complete. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 6: Nonconformities.
- (B) Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire, and future development shall be subject to the requirements of this Ordinance.
- (C) An applicant with a pending application accepted before [insert the effective date of this Ordinance] may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

### 1.8.3. Approved Applications

- (A) Any development approvals or permits granted before [insert the effective date of this Ordinance] in accordance with the procedures outlined in the previous Resolution and/or the Maury County Subdivision Regulations shall remain valid until their expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.

- (B) If the prior approval or permit expires or is revoked (i.e., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall comply with the procedures and standards of this Ordinance.
- (C) To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 6: Nonconformities.

**1.8.4. Nonconformities**

If any use, structure, lot, or sign legally existed on [redacted] [insert the effective date of this Ordinance], but does not fully comply with the standards of this Ordinance, then that use, structure, lot, or sign shall be considered nonconforming under this Ordinance and shall be subject to the provisions of Article 6: Nonconformities.

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**Section 1.9 Use of Graphics, Illustrations, Figures, and Cross-References**

**1.9.1. Graphics, Illustrations, and Figures**

Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

**1.9.2. Cross References**

In some instances, cross-references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the referenced article, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.

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**Section 1.10 Effective Date**

This Ordinance shall become effective on [redacted] and repeals and replaces the Maury County Zoning Resolution, as originally adopted on [redacted], and subsequently amended.

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**Section 1.11 Severability**

It is the legislative intent of the County Commission in adopting this Ordinance that all provisions shall regulate development in accordance with the existing and future needs of the County as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of the County. If any section, subsection, sentence, boundary, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The County Commission hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases be declared invalid.

# Article 2: Administration

## Commentary on Draft:

**Article 2: Administration**, consolidates all development review procedures and creates a set of standard procedures that generally apply to all development applications. It adds several new procedures, clarifies some procedures that are referenced but not fully set out in the current Zoning Resolution, and codifies several procedures that are being used in the current development review process (but are not set down in the current regulations). The article is organized into five sections.

**Section 2.1, Organization**, summarizes the article's organization.

**Section 2.2, Summary Table of Development Review Responsibilities**, consists of a summary table of the development approvals and permits required under the Ordinance, and the responsibilities of the various bodies and persons for reviewing, making recommendations on, and making decisions on each application.

**Section 2.3, Advisory and Decision-Making Bodies and Persons**, identifies the powers and duties of the reviewing bodies and persons under the Zoning Resolution, including the responsibilities of each with regard to the various types of applications.

**Section 2.4, Standard Application Requirements and Procedures**, establishes a standard set of review procedures that are generally applicable to the review of development applications. It provides the framework under which the County's development review procedures for applications are made uniform to the greatest degree possible.

**Section 2.5, Application Specific Review Procedures and Decision Standards**, supplements the standard review procedures. For each type of development application, it identifies in what situations application approval is necessary (or available), any applicable modifications of or additions to the standard procedures, and the standards for making a decision on the application.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 2.1 Organization

Article 2: Administration is organized into the following sections:

- 2.1.1. Section 2.1, Organization, summarizes the article's organization.
- 2.1.2. Section 2.2, Summary Table of Development Review Responsibilities, provides a summary table of the actions required for each body or person that reviews, advises, or make decisions on each type of development application.
- 2.1.3. Section 2.3, Advisory and Decision-Making Bodies, describes the powers and duties of the various bodies and persons that review and make decisions on development applications.
- 2.1.4. Section 2.4, Standard Application Requirements and Procedures, describes procedures that generally apply to the review of all development applications.
- 2.1.5. Section 2.5, Application Specific Review Procedures and Decision Standards, contains specific information for each type of development application, including applicable additions or modifications to the standard review procedures, and the review standards for making a decision.

## Section 2.2 Summary Table of Development Review Responsibilities

Table 2-1: Summary of Development Review Responsibilities, identifies the types of development approvals and permits authorized by this Ordinance. It also summarizes the action required by advisory and decision-making bodies for a decision for each type of application.

<b>Table 2-1: Summary of Development Review Responsibilities</b>				
D = Decision R = Recommendation S = Staff Review A= Appeal				
* = Public Hearing				
+ = Pre-application conference required ^ = Neighborhood meeting may be required				
<b>Review Procedure</b>	<b>Director of Building and Zoning</b>	<b>Board of Zoning Appeals</b>	<b>Planning Commission</b>	<b>County Commission</b>
<b>Discretionary Approvals</b>				
Zoning Map Amendment+^	R		R	D*
Zoning Ordinance Text Amendment+	R		R	D*
Planned Development Map Amendment+^	R		R	D*
Special Exception Permit+	S	D*		
<b>Site Development</b>				
Site Plan				
<i>Minor</i>	D			
<i>Major+</i>	R		D	
Zoning Compliance Certificate	D			
<b>Permits</b>				
Sign Permit	D			
Home Occupation Permit	D			
Temporary Use Permit	D			
Utility System Operational Approval	S		R	D
House Moving Permit	D			
Building Permit	D			
<b>Relief and Interpretation</b>				
Zoning Variance	S	D*		
Floodplain Variance	S	D*		
Appeal of Administrative Decision	S	D*		
Floodplain Appeal	S	D*		
Interpretation	D	A*		

## Section 2.3 Advisory and Decision-Making Bodies

### 2.3.1. Maury County Commission

To exercise its authority in accordance with state law, the Maury County Commission (“County Commission”) shall have the following powers and duties under this Ordinance:

- (A) To review and decide the following:
  - (1) Zoning Ordinance Text Amendment (Sec. 2.5.1);
  - (2) Zoning Map Amendment (Sec. 2.5.2);

- (3) Planned Development District Map Amendment (Sec. 2.5.3); and
  - (4) Utility System Operation Approval (Sec. 2.5.10).
- (B) To establish fees for permits and development approvals reviewed under this Ordinance; and
- (C) To take any other action not assigned or delegated to the Planning Commission, Board of Zoning Appeals, and Director of Building and Zoning, or other decision-making body or staff as the County Commission may deem desirable and necessary to implement the provisions of this Ordinance.

### 2.3.2. Maury County Regional Planning Commission

The Maury County Regional Planning Commission (“Planning Commission”) is established in accordance with state law.

#### (A) Powers and Duties

The Planning Commission shall have the following powers and duties under this Ordinance:

- (1) To review and decide the following:
  - (a) Major Site Plan (Sec. 2.5.5(E)).
- (2) To review and provide a recommendation on the following:
  - (a) Zoning Ordinance Text Amendment (Sec. 2.5.1);
  - (b) Zoning Map Amendment (Sec. 2.5.2);
  - (c) Planned Development District Map Amendment (Sec. 2.5.3); and
  - (d) Utility System Operation Approval (Sec. 2.5.10).
- (3) To undertake any other powers and duties assigned to it by the County Commission in accordance with state law.

#### (B) Appointment of Members, Terms of Office

The number of members, their appointment, term, succession, removal, and filling of vacancies shall be in accordance with State law and this Ordinance.

#### (C) Officers, Rules of Procedure, Meetings

The Planning Commission shall elect officers, adopt bylaws, and rules of procedure, and conduct meetings in accordance with the standards in this Ordinance and state law.

#### (D) Staff

The Director of Building and Zoning may appoint staff to serve the Planning Commission.

### 2.3.3. Board of Zoning Appeals (BZA)

The Board of Zoning Appeals (BZA) is hereby established in accordance with state law.

#### (A) Powers and Duties

The BZA shall have the following powers and duties under this Ordinance:

- (1) To review and decide the following:
  - (a) Special Exception Permit (Sec. 2.5.4);
  - (b) Zoning Variance (Sec. 2.5.13);
  - (c) Floodplain Variance (Sec. 2.5.14);
  - (d) Appeal of Administrative Decision (Sec. 2.5.15); and
  - (e) Floodplain Appeal (Sec. 2.5.16).

#### (B) Membership and Terms of Office

The membership of the BZA shall be in accordance with the following:

- (1) The number of members, their appointment, term, succession, removal, and filling of vacancies shall be in accordance with State law and this Ordinance.
- (2) No more than two members shall be Planning Commissioners.

**(C) Bylaws and Rules of Procedure, Meetings**

The BZA shall elect officers, adopt bylaws and rules of procedure, and conduct meetings in accordance with the standards of this Ordinance and State law.

**2.3.4. Director of Building and Zoning (“Director”)**

**(A) Powers and Duties**

The Director of Building and Zoning (“Director”) shall have the following powers and duties under this Ordinance:

- (1) To review and decide the following:
  - (a) Minor Site Plan (Sec. 2.5.5(D));
  - (b) Zoning Compliance Certificate (Sec. 2.5.6);
  - (c) Sign Permit (Sec. 2.5.7);
  - (d) Home Occupation Permit (Sec. 2.5.8);
  - (e) Temporary Use Permit (Sec. 2.5.9);
  - (f) House Moving Permit (Sec. 2.5.11);
  - (g) Building Permit (Sec. 2.5.12); and
  - (h) Interpretation (Sec. 2.5.17);
- (2) To review and make a recommendation on the following:
  - (a) Zoning Ordinance Text Amendment (Sec. 2.5.1);
  - (b) Zoning Map Amendment (Sec. 2.5.2);
  - (c) Planned Development District Map Amendment (Sec. 2.5.3);
  - (d) Major Site Plan (Sec. 2.5.5(E));
- (3) To review the following:
  - (a) Special Exception Permit (Sec. 2.5.4);
  - (b) Utility System Operation Approval (Sec. 2.5.10);
  - (c) Zoning Variance (Sec. 2.5.13);
  - (d) Floodplain Variance (Sec. 2.5.14);
  - (e) Appeal of Administrative Decision (Sec. 2.5.15); and
  - (f) Floodplain Appeal (Sec. 2.5.16);
- (4) To perform all duties assigned to the Director in Section 5.12, Floodplain District Standards.
- (5) To establish application content requirements and a submission schedule for the review of applications;
- (6) To compile and amend as necessary a Procedures Manual that includes requirements for application contents and forms, submission schedules, a schedule of fees (established by the County Commission), and any additional information that the Director deems appropriate and relevant to the submittal of, review of, and decision on development applications;
- (7) To maintain the Official Zoning Map and related materials; and
- (8) To enforce this Ordinance in accordance with Article 7: Enforcement.

**(B) Delegation**

The Director may delegate any authority under this Ordinance to any professional level subordinate staff.

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**Section 2.4 Standard Application Requirements and Procedures**

**2.4.1. General**

This Section establishes standard procedures that are generally applicable to the review of development applications under this Ordinance. Not all procedures in this Section are required for every development

application. Section 2.5, Application Specific Review Procedures and Decision Standards, identifies for a specific type of application which standard procedures are required, and whether there are additions or modifications to the standard procedure. Figure 2-1: Summary of Standard Review Procedures, provides a summary of the standard review procedures. A similar figure with applicable changes is provided for each application specific procedure.

Figure 2-1: Summary of Standard Review Procedures



= Applicable; =Not Applicable; =Optional

## 2.4.2. Pre-Application Conference

### (A) Purpose

The purpose of a pre-application conference is to provide an opportunity for the applicant to review the submission requirements and the procedures and standards applicable to an anticipated application. A pre-application conference is also intended to provide an opportunity for County staff to become familiar with, and offer the applicant preliminary comments about the scope, features, and impacts of proposed development as it relates to the standards in this Ordinance.

### (B) Applicability

- (1) A pre-application conference is required before the submission of any of the following applications:
  - (a) Zoning Ordinance Text Amendment (Sec. 2.5.1);
  - (b) Zoning Map Amendment (Sec. 2.5.2);
  - (c) Planned Development District Map Amendment (Sec. 2.5.3);
  - (d) Special Exception Permit (Sec. 2.5.4); and
  - (e) Major site plan (Sec. 2.5.5(E)).
- (2) A pre-application conference may be requested and held at the applicant's option before the submission of any development application not identified in subsection (1) above.

### (C) Procedure

#### (1) Scheduling

Upon receipt of the request for a pre-application conference, the Director shall schedule the pre-application conference and notify the applicant of the meeting time and location.

#### (2) Submission of Materials Prior to Meeting

Before a pre-application conference is held, the applicant shall submit to the Director a narrative describing the scope of the proposed application.

#### (3) Conduct of Meeting

The Director and relevant staff shall review the materials submitted by the applicant prior to the meeting, and at the meeting, seek any needed clarification from the applicant regarding the proposed application and identify any concerns, problems, or other factors the applicant should consider regarding the proposed application.

**(D) Effect**

The pre-application conference is intended to facilitate the application review process. Discussions held in accordance with this section are not binding on the County. Processing times for review of development applications do not begin until an application is submitted and determined to be complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**2.4.3. Neighborhood Meeting**

**(A) Purpose**

The purpose of this section is to establish a uniform procedure for pre-application neighborhood meetings. Pre-application neighborhood meetings are intended to educate owners and residents of nearby lands about a proposed application that is reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the proposal and resolve conflicts and outstanding issues, where possible, before an application is submitted.

**(B) Applicability**

- (1)** A pre-application neighborhood meeting is required before the submission of applications for a Zoning Map Amendment (Sec. 2.5.2) and a Planned Development District Map Amendment (Sec. 2.5.3);
- (2)** A pre-application neighborhood meeting may be held at the applicant's option before the submission of any development application not identified in subsection (1) above.

**(C) Procedure**

If a pre-application neighborhood meeting is conducted, it shall comply with the following requirements:

**(1) Meeting Time and Location**

The meeting shall be held after 5:00 p.m. on a weekday at a location that is convenient and generally accessible to neighbors residing in proximity to the land subject to the proposed application.

**(2) Meeting Notification**

**(a) Mailed Notice**

The applicant shall mail notice of the meeting a minimum of ten days before the meeting to the Director and all persons to whom mailed notice of a public hearing on the development application is required by state law. If the proposed development application is not subject to a public hearing, notice shall be mailed to the Director and all owners of land that is within 500 feet of the land subject to the proposed application, measured from the nearest property lines.

**(b) Posted Notice**

The applicant shall post notification of the neighborhood meeting in a form established by the Director, on the land subject to the application, a minimum of ten days before the date fixed for the meeting.

**(c) Notice Content**

The notification shall state the time and place of the meeting, the purpose of the meeting, the general nature of the development proposal, and the proposed type of development approval or permit being considered.

**(3) County Staff Attendance**

Staff from the Building and Zoning Office or other County departments may, but are not required to, attend the meeting. The role of County staff in the meeting shall be limited to responding to questions regarding the standards and requirements of this Ordinance, or the Subdivision Regulations.

**(4) Conduct of Meeting**

The meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns attendees raise about the proposed application, and discuss ways to resolve any conflicts or concerns.

**(5) Written Summary of Meeting**

After the conclusion of the meeting, the applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of issues related to the development proposal that were discussed, a compilation of attendee comments and responses by the applicant, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials. The Director shall retain a copy of the meeting summary, which shall be available for examination by the public in the Building and Zoning Office during normal business hours.

**(6) Response to Summary**

Any person attending the pre-application neighborhood meeting may submit to the Director a written response to the applicant's meeting summary after the application is determined complete (see Sec. 2.4.5, Application Completeness Determination). All written responses to the applicant's summary of the pre-application neighborhood meeting shall be included with the application materials. The Director shall retain a copy of the meeting summary which shall be available for examination by the public in the Building and Zoning Office during normal business hours.

**2.4.4. Application Submission****(A) Application Submitted to Planning Department or Building Department**

All applications shall be submitted to the Director.

**(B) Authority to Submit Applications**

All applications for development approvals and permits shall be submitted by the owner(s) of the land upon which the development is proposed, or their authorized agent.

**(C) Required Contents and Form**

The application contents and form shall be in accordance with requirements established by the Director for the specific type of application, and placed in the Procedures Manual.

**(D) Required Fees**

Required application fees shall be those established for the specific application by the County Commission.

**(E) Schedule**

The schedule for application submission and review, including time frames for review, shall be established for the specific application type by the Director.

**(F) Simultaneous Processing of Applications**

Whenever two or more forms of review and approval are required under this Ordinance, the applications for those development approvals or permits may, at the discretion of the Director, be processed simultaneously, so long as all applicable County and state requirements are satisfied. Simultaneous processing of applications may result in additional fees to the applicant. Additionally, revisions to one application may necessitate corresponding revisions to related applications that are reviewed simultaneously.

**(G) Maintenance of Application**

The Director shall maintain in the Building and Zoning Office complete applications received and all associated materials submitted, including those subsequently submitted by the applicant.

**(H) Examination and Copying of Application and Associated Materials**

At any time, upon reasonable request and during normal business hours, any person may examine a development application, a finalized staff report, and materials submitted in support of or in opposition to an application, as applicable, in the Building and Zoning office during normal business hours, in accordance with the Tennessee Open Records Act.

**(I) Amendment or of Withdrawal of Application**

**(1) General**

An applicant may submit a revised application to the Director after receiving initial staff review comments on the application or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by the Director or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections, and do not include significant substantive changes to the plan for development proposed in the application.

**(2) Application Amendment**

Any other revisions to the application may be submitted at any time during the review procedure, but the revised application shall be submitted and reviewed as if it were a new application and may be subject to additional application fees to defray the additional costs of processing the revised application.

**(J) Application Withdrawal**

- (1)** An applicant may withdraw an application at any time by submitting a letter of withdrawal to the Director.
- (2)** Applications withdrawn after required notice of any public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications in accordance with Sec. 2.4.10(E), Limit on Subsequent Applications.
- (3)** If an application is withdrawn by the applicant, no further review of the application shall take place unless or until a new application (including new application fees) is submitted and determined to be complete. Application fees shall not be refunded for withdrawn applications.

**2.4.5. Application Completeness Determination**

**(A) General**

Upon receipt of an application, the Director shall determine if the application is complete. A complete application is one that:

- (1)** Contains all application materials required for the particular type of application.
- (2)** Is in the form required for the particular type of application.
- (3)** Includes information in sufficient detail to allow an evaluation of the application to determine whether it complies with the appropriate review standards of this Ordinance.
- (4)** Is accompanied by the fee established for the particular type of application.

**(B) Application Incomplete**

If the Director determines that the application is incomplete, notice shall be sent to the applicant of the application's deficiencies electronically or by mail within 10 business days of receipt of the application, and review of the application shall not proceed. The applicant may correct the deficiencies and resubmit the application for completeness determination. If the application is not corrected and resubmitted within 60 days of notice, the application shall be deemed null and void and any fees paid shall be forfeited.

**(C) Application Complete**

If the application is determined to be complete, it shall be reviewed in accordance with the applicable procedures and standards in this Ordinance. Any established time frame for review of the application shall start on the date the application is determined to be complete.

### 2.4.6. Staff Review and Action

If review or a decision on an application by the Director is required in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the review and/or decision shall be in accordance with this section.

#### (A) Review and Opportunity to Revise Application

- (1) When an application is determined to be complete, the Director shall distribute the application to all appropriate County staff, departments, and other review agencies for review and comment.
- (2) The Director shall review the application, any relevant support material, and any comments or recommendations from the appropriate staff, departments, and other review agencies. If deficiencies in complying with the applicable standards of this Ordinance are identified, the Director shall notify the applicant of such deficiencies and provide the applicant with a reasonable opportunity to revise the application to address them.

#### (B) Application Subject to Review by Director

If an application is subject to review by the Director in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the Director, following completion of the review, shall prepare a written staff report either with or without a recommendation, in accordance with Section 2.2, Summary Table of Development Review Responsibilities. The staff report shall address the application's compliance with applicable review standards and, if directed by Section 2.2, Summary Table of Development Review Responsibilities, recommend action on the application, including any recommended conditions of approval. Such a report is not required if the Director makes the final decision on the application. The Director shall transmit the application and staff report, if applicable, to the appropriate advisory or decision-making body in accordance with Section 2.2, Summary Table of Development Review Responsibilities, provide the applicant a copy of the staff report, and make a copy of the staff report available for examination by the public during normal hours of operation.

#### (C) Application Subject to Decision by Director

If an application is subject to a final decision by the Director in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the Director shall, after reviewing the application, make a decision authorized for the particular type of application, based on the decision standards applicable for the application type, as set forth in Section 2.2, Summary Table of Development Review Responsibilities.

### 2.4.7. Scheduling of Public Hearing and Public Notification

If a public hearing is required in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the public hearing shall be scheduled and public notification of the hearing provided in accordance with state law.

### 2.4.8. Planning Commission Review and Recommendation

If an application requires review by the Planning Commission in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the Planning Commission shall review and make a recommendation on the application in accordance with the following requirements:

- (A) If required in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the Planning Commission shall conduct a public hearing on the application. If a public hearing is not required, the Planning Commission shall conduct a public meeting on the application. At the public hearing or public meeting, as appropriate, the Planning Commission shall consider the application, relevant support materials, the staff report, and any comments received during the hearing or meeting. Following the hearing or meeting, as appropriate, the Planning Commission shall recommend one of the decisions authorized for the particular type of application, based on the decision standards applicable to the application type, as set forth in Section 2.5, Application Specific Review Procedures and Decision Standards.

- (B) The Planning Commission's recommendation shall state the basis or rationale for the recommended decision.
- (C) If permitted for the particular type of application in accordance with Section 2.5, Application Specific Review Procedures and Decision Standards, the Planning Commission may recommend conditions of approval. Recommended conditions of approval must relate in both type and extent to the anticipated impacts of the proposed development.

#### **2.4.9. Decision-Making Body Review and Decision**

If an application is subject to a final decision by the County Commission, the Planning Commission, or the BZA (collectively, "decision-making bodies"), in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the applicable decision-making body shall review and make a final decision on the application in accordance with the following requirements:

- (A) If required in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the decision-making body shall conduct a public hearing on the application. If a public hearing is not required, the decision-making body shall conduct a public meeting on the application. At the public hearing or public meeting, as appropriate, the decision-making body shall consider the application, relevant support materials, staff or advisory body reports, and any comments received during the hearing. Following the hearing or meeting, the decision-making body shall make one of the decisions authorized for the particular type of application, based on the decision standards applicable to the application type, as set forth in Section 2.5, Application Specific Review Procedures and Decision Standards. The decision shall state the basis or rationale for the decision.
- (B) The decision-making body shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the County.
- (C) Before making its decision, the decision-making body may remand the application to the Planning Commission, the Director, or staff, as applicable, for further consideration of any issue.
- (D) If permitted for the particular type of application in accordance with Section 2.5, Application Specific Review Procedures and Decision Standards, the decision-making body may approve the application subject to conditions. The conditions must relate in both type and extent to the anticipated impact of the proposed development.

#### **2.4.10. Post Decision Actions and Limitations**

##### **(A) Notification to Applicant of Decision**

Within 10 days after a final decision on a development application, or within another period of time as required by state law, the Director shall notify the applicant and the owner(s) of the property that is the subject of the decision (if different from the applicant) about the decision. The notification shall be in writing and shall comply with applicable state law. The Director shall also make a copy of the decision available to the public at the Building and Zoning office during normal business hours.

##### **(B) Effect of Approval**

Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan of development, or other specific activity approved, and not any other development requiring separate application and approval. If one development approval or permit is a prerequisite to another development approval or permit (e.g., variance approval prior to a major site plan approval), development may not take place until all required development approvals or permits are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

##### **(C) Lapse in Approval**

- (1) Development approvals and permits shall expire as provided in Section 2.5, Application Specific Review Procedures and Decision Standards, for each type of development

approval or permit. If no expiration period is provided for the specific type of development approval or permit, and if no expiration period is imposed as a part of its approval, the development approval or permit shall expire if a building permit for the approved development is not obtained within two years of the date of approval.

- (2) A change in ownership of the land that is the subject of a development approval or permit shall not affect the established expiration time period for the development approval or permit.

**(D) Amendment of Development Approval or Permit**

Unless otherwise specified in the procedure for the particular type of development application in Section 2.5, Application Specific Review Procedures and Decision Standards, an amendment of a development approval or permit may only be reviewed in accordance with the procedures and standards established for its original approval.

**(E) Limit on Subsequent Applications**

**(1) Prior Application Denied**

(a) If a development application requiring a public hearing is denied, an application proposing the same development or zoning designation on all or part of the same land shall not be submitted within 18 months after the date of decision denying the application unless the decision-making body waives this time limit in accordance with subsection (b) below. Only one request for a waiver of this time limit may be submitted during the one-year period.

(b) The owner of land that is the subject of an application that was denied, or the owner's authorized agent, may submit a written request for a waiver of the time limit established in subsection (a) above, along with a fee to defray the cost of processing the request, to the Director, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by at least two-thirds of its membership of one or more of the following:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the application of relevant review standards;
2. New or additional information is available that was not available at the time of review that might reasonably affect the application of relevant review standards;
3. The new application proposed to be submitted is not substantially the same as the prior application; or
4. The final decision on the application was based on a material mistake of fact.

**(2) Prior Application Withdrawn**

If an application requiring a public hearing is withdrawn after required notice of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted within six months after the date of withdrawal. Any such application shall be considered a new application.

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## **Section 2.5 Application Specific Review Procedures and Decision Standards**

### **2.5.1. Zoning Ordinance Text Amendment**

**(A) Applicability**

Approval of a zoning ordinance text amendment in accordance with this section is required to amend the text of this Ordinance.

**(B) Procedure for Text Amendment**

An application for a zoning ordinance text amendment shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and

Procedures, as modified in this section. Figure 2-2: Summary of Text Amendment Procedure, identifies the standard procedures in Section 2.4 that apply to text amendment applications and those that do not apply. Subsections (1) through (6) below, set out the required procedure for zoning ordinance text amendment applications, including any modifications to the standard procedures in Section 2.4.

Figure 2-2: Summary of Text Amendment Procedure



= Applicable; =Not Applicable; =Optional

**(1) Pre-Application Conference**

A pre-application conference is required in accordance with Sec. 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

- (a) Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission, except that zoning ordinance text amendments may be initiated by the County Commission, the Planning Commission, the Director, an owner of land in the unincorporated County, or a person with a financial or other interest in land in the unincorporated County.
- (b) The Director shall make a determination as whether the application is complete in accordance with 2.4.5, Application Completeness Determination.

**(3) Staff Review and Action**

The Director shall review the application and prepare a staff report that includes a recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(4) Scheduling of Public Hearing and Public Notification**

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification

**(5) Planning Commission Review and Recommendation**

The Planning Commission shall conduct at least one public meeting on the application and make a recommendation on the application in accordance with Sec. 2.4.8, Planning Commission Review and Recommendation, and Sec. 2.5.1(C), Decision-Making Standards for Text Amendment.

**(6) Decision-Making Body Review and Decision**

The County Commission shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.1(C), Decision-Making Standards for Text Amendment The County Commission’s decision shall be one of the following:

- (a) Adopt the zoning ordinance text amendment as proposed;
- (b) Deny the zoning ordinance text amendment; or
- (c) Remand the zoning ordinance text amendment application to the Planning Commission for further consideration.

**(C) Decision-Making Standards for Text Amendment**

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the County Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed zoning ordinance text amendment, the County Commission may consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

- (1) Is in accordance with the goals and policies of all applicable and adopted plans;
- (2) Is required by changed conditions;
- (3) Addresses a demonstrated community need;
- (4) Is consistent with the purpose and intent of the zone districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the unincorporated County;
- (5) Is consistent with other related federal, state, and local laws and regulations;
- (6) Would result in a logical and orderly development pattern; and
- (7) Would result in stronger protections of the natural environment, wildlife, vegetation, and wetlands.

**2.5.2. Zoning Map Amendment**

**(A) Applicability**

Approval of a Zoning Map amendment in accordance with this section is required to amend the Official Zoning Map, except where the amendment is sought as part of a planned development (see Sec. 2.5.3, Planned Development District Map Amendment).

**(B) Procedure for Zoning Map Amendment**

An application for a Zoning Map amendment shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-3: Summary of Zoning Map Amendment Procedure identifies the standard procedures in Section 2.4 that apply to Zoning Map amendment applications and those that do not apply. Subsections (1) through (6) below set out the required procedure for Zoning Map amendment applications, including any modifications to the standard procedures in Section 2.4.

**Figure 2-3: Summary of Zoning Map Amendment Procedure**



= Applicable; =Not Applicable; =Optional

**(1) Pre-Application Conference**

A pre-application conference is required in accordance with Sec. 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

- (a) Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission, except that Zoning Map amendments may be initiated by the County

Commission, the Planning Commission, or the owner(s) of the land upon which the zoning map amendment is proposed, or their authorized agent.

- (b) The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(3) Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(4) Scheduling of Public Hearing and Public Notification**

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(5) Advisory Body Review and Recommendation**

The Planning Commission shall conduct at least one public meeting on the application and make a recommendation on the application in accordance with Sec. 2.4.8, Planning Commission Review and Recommendation, and Sec. 2.5.2(C), Decision-Making Standards for Zoning Map Amendment.

**(6) Decision-Making Body Review and Decision**

The County Commission shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.2(C), Decision-Making Standards for Zoning Map Amendment. The County Commission's decision shall be one of the following:

- (a) Adopt the zoning map amendment as proposed;
- (b) Adopt a revised zoning map amendment;
- (c) Deny the zoning map amendment; or
- (d) Remand the zoning map amendment application to the Planning Commission for further consideration.

**(C) Decision-Making Standards for Zoning Map Amendment**

The advisability of a Zoning Map amendment is a matter committed to the legislative discretion of the County Commission and is not controlled by any one factor. In determining whether to adopt or deny a proposed Zoning Map amendment, the County Commission may consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

- (1) Is in accordance with the goals and policies of all applicable and adopted plans;
- (2) Would allow a range of uses that are compatible with the uses allowed on other property in the vicinity;
- (3) Would avoid creating an inappropriately isolated district unrelated to adjacent and surrounding districts;
- (4) Would result in a logical and orderly development pattern;
- (5) Would allow the subject property to be put to an economically viable use;
- (6) Would result in development that can be served by available, adequate, and suitable public facilities (e.g., streets, potable water, sewerage, stormwater management);
- (7) Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
- (8) Is appropriate due to any changed or changing conditions in the affected area.

**2.5.3. Planned Development District Map Amendment**

**(A) Purpose**

Planned developments are developments that are planned and developed under unified control. They allow more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increased preservation of natural and

scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zone district regulations. The purpose of this section is to provide a uniform mechanism for amending the Official Zoning Map to establish the planned development districts set forth in this Ordinance.

**(B) Applicability**

Approval of a planned development district in accordance with this section is required to amend the Official Zoning Map to establish a planned development district.

**(C) Procedure for Planned Development District Map Amendment**

An application for a planned development district shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, modified in this section. Figure 2-4: Summary of Planned Development District Map Amendment Procedure, identifies the standard procedures in Section 2.4 that apply to planned development district applications and those that do not apply. Subsections (1) through (8) below, set out the required procedure for planned development district applications, including any modifications to the standard procedures in Section 2.4.

**Figure 2-4: Summary of Planned Development District Map Amendment Procedure**



= Applicable; =Not Applicable; =Optional

**(1) Pre-Application Conference**

A pre-application conference is required in accordance with Sec. 2.4.2, Pre-Application Conference.

**(2) Neighborhood Meeting**

A neighborhood meeting is required in accordance with Sec. 2.4.3, Neighborhood Meeting.

**(3) Application Submission and Completeness Determination**

- (a)** Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission.
- (b)** A complete application shall include a proposed Planned Development Plan (PD Plan) and a proposed Planned Development Agreement (PD Agreement) addressing all requirements and standards set forth in Section 3.4, Planned Development Districts. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(4) Staff Review and Action**

The Director shall review the application and prepare a staff report with a recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(5) Scheduling of Public Hearing and Public Notification**

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(6) Advisory Body Review and Recommendation**

The Planning Commission shall conduct at least one public meeting on the application and make a recommendation on the application in accordance with Sec. 2.4.8, Planning Commission Review and Recommendation, and Sec. 2.5.3(D), Decision-Making Standards for Planned Development Map Amendment.

**(7) Decision-Making Body Review and Decision**

The County Commission shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.3(D), Decision-Making Standards for Planned Development Map Amendment. The County Commission's decision shall be one of the following:

- (a) Adopt the planned development district subject to the PD Plan and PD Agreement included in the application;
- (b) Deny the planned development district; or
- (c) Remand the planned development district application to the Planning Commission for further consideration.

**(8) Post-Decision Actions and Limitations****(a) Effect of Approval**

An approved planned development district shall include a PD Plan and PD Agreement, all of which shall comprise the zone district regulations for the district. Any subsequent development approval or permit shall comply with the approved PD District and its PD Plan and PD Agreement.

**(b) Amendments**

An approved PD Plan or PD Agreement may be amended only in accordance with the procedure and standards used for its original approval.

**(c) Minor Deviations**

Subsequent applications for development approvals and permits within a planned development district that include minor deviations from the approved PD Plan or PD Agreement that do not materially affect the planned development district's basic concept may be reviewed and decided upon, without the need to amend the planned development district, if the Director determines that such deviations consist of only the following:

1. Changes that result in a decrease in the density or intensity of development approved for a specific lot;
2. A change in a land use designation from multifamily to single-family or a change from any use to open space/passive recreation;
3. A modification of design of facilities for amenities such as parks, gardens, or open spaces; or
4. A deviation specifically listed in the approved PD Agreement as a minor deviation not materially affecting the planned development district's basic concept or the designated general use of lots within the district.

**(D) Decision-Making Standards for Planned Development Map Amendment**

The advisability of adopting a planned development district is a matter committed to the legislative discretion of the County Commission. In determining whether to adopt or deny a planned development district, the County Commission shall consider the decision-making standards in Sec. 2.5.2(C). The County Commission shall not adopt a proposed planned development district unless it finds that the district complies with the standards for the proposed type of planned development district in Section 3.4, Planned Development Districts.

**2.5.4. Special Exception Permit**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism to ensure that special exception uses are appropriate for the location and district where they are proposed. A use is designated as a special exception use in a zone district where the use may or may not be appropriate, because of its unique characteristics and potential impacts on the surrounding neighborhood. Special individual consideration of the proposed location, design, and methods of operation, in accordance with the procedure and standards in this section, is required before the use can be deemed appropriate in the district and compatible with its surroundings.

**(B) Applicability**

Approval of a special exception permit in accordance with the procedure and standards in this section is required prior to the establishment of any use designated as a special exception use in Article 4: Use Regulations.

**(C) Procedure for Special Exception Permit**

An application for special exception permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-5: Summary of Special Exception Permit Procedure, identifies the standard procedures in Section 2.4 that apply to special exception permit applications and those that do not apply. Subsections (1) through (6) below set out the required procedure for special exception permit applications, including any modifications to the standard procedures in Section 2.4.

**Figure 2-5: Summary of Special Exception Permit Procedure**



= Applicable; =Not Applicable; =Optional

**(1) Pre-Application Conference**

A pre-application conference is required in accordance with Sec. 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(3) Staff Review and Action**

The Director shall review the application in accordance with Sec. 2.4.6, Staff Review and Action.

**(4) Scheduling of Public Hearing and Public Notification**

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(5) Decision-Making Body Review and Decision**

The BZA shall conduct a public hearing on the application and make a decision in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.4(D), Decision-Making Standards for Special Exception Permit. The BZA's decision shall be one of the following:

- (a) Approve the special exception permit as proposed;
- (b) Approve the special exception permit, subject to conditions of approval or;
- (c) Deny the special exception permit.

**(6) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations. Unless it expires, a special exception permit, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

**(D) Decision-Making Standards for Special Exception Permit**

The BZA shall not approve a special exception permit application unless the Board finds the proposed special exception use:

- (1) Complies with all applicable district-specific standards in Article 3: Zone Districts.
- (2) Complies with all applicable use-specific standards in Article 4: Use Regulations.
- (3) Complies with all applicable standards in Article 5: Development Standards.
- (4) Complies with all relevant subdivision standards in the Subdivision Regulations;
- (5) Will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;
- (6) Is compatible with the character of surrounding development and the neighborhood;
- (7) Will not have a substantial adverse impact on adjoining properties in terms of noise, lights, glare, vibrations, fumes, odors, litter, or obstruction of air or light;
- (8) Will be adequately served by, and not impose an undue burden on, infrastructure, public services, or public facilities;
- (9) Will not have a substantial adverse impact on the aesthetic character of the area where it is proposed to be located; and
- (10) Will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public.

**2.5.5. Site Plan (Minor or Major)****(A) Purpose**

Site plan review is intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Ordinance and all other applicable County and state regulations.

**(B) Applicability**

- (1) Unless exempted by subsection (2) below, all development shall receive site plan approval in accordance with this section prior to the issuance of a building permit or a certificate of occupancy, whichever occurs first.
- (2) Development of a single-family detached dwelling on an individual lot is exempt from the requirements of this section.

**(C) Major and Minor Site Plans Distinguished**

There are two types of site plan review under this Ordinance: major site plan review and minor site plan review. Phases of a phased project shall be considered cumulatively over a five-year period in determining whether major or minor site plan review is required.

**(1) Minor Site Plan**

Minor site plans are reviewed and decided by the Director in accordance with Sec. 2.5.5(D), Procedure for Minor Site Plan. The following development shall require minor site plan approval, unless the Director determines following review that the site plan should be processed as a major site plan due to the complexity of the project, perceived impacts on storm water management, parking or traffic impacts, erosion, or for other difficulties in determining compliance with applicable standards.:

- (a) Residential dwellings of fewer than five dwelling units; and
- (b) Nonresidential development of less than 5,000 square feet of gross floor area.

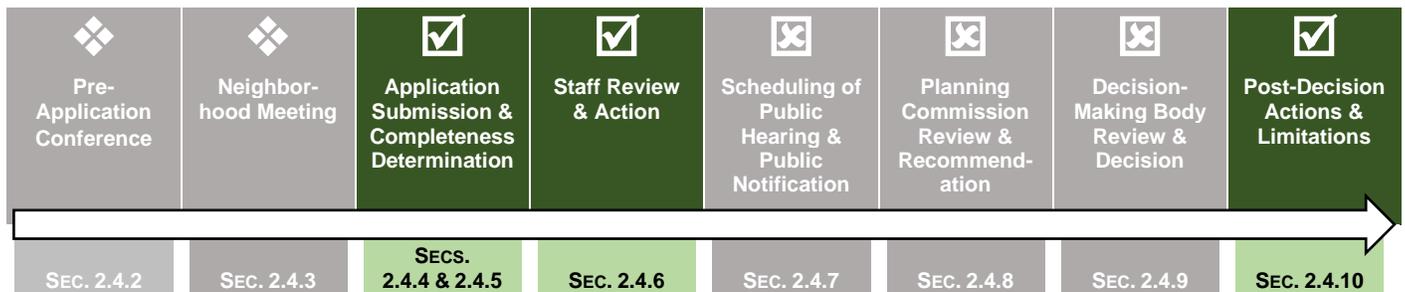
**(2) Major Site Plan**

Major site plans are reviewed and decided by the Planning Commission in accordance with Sec. 2.5.5(E), Procedure for Major Site Plan. All development that is not exempted and does not receive minor site plan review in accordance with Sec. 2.5.5(C)(1), Minor Site Plan, shall require major site plan approval.

**(D) Procedure for Minor Site Plan**

An application for a minor site plan shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-6: Summary of Minor Site Plan Procedure, identifies the standard procedures in Section 2.4 that apply to minor site plan applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for minor site plan applications, including any modifications to the standard procedures in Section 2.4.

**Figure 2-6: Summary of Minor Site Plan Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision on the application in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.5(F), Decision-Making Standards for Site Plan (Minor or Major).

**(3) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations. If a building permit or certificate of occupancy, as appropriate, is not approved for a portion of the minor site plan within two years of the date of approval of the minor site plan, it shall automatically expire.

**(E) Procedure for Major Site Plan**

An application for a major site plan shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified

in this section. Figure 2-7: Summary of Major Site Plan Procedure, identifies the standard procedures in Section 2.4, that apply to major site plan applications and those that do not apply. Subsections (1) through (6) below set out the required procedure for major site plan applications, including any modifications to the standard procedures in Section 2.4.

Figure 2-7: Summary of Major Site Plan Procedure



= Applicable; =Not Applicable; =Optional

**(1) Pre-Application Conference**

A pre-application conference is required in accordance with Sec. 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as to whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(3) Staff Review and Action**

The Director shall review the application and prepare a staff report that includes a recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(4) Scheduling of Public Meeting and Public Notification**

The public meeting shall be scheduled and notification of the meeting provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(5) Decision-Making Body Review and Decision**

The Planning Commission shall conduct a public hearing on the application and make a decision in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.5(F), Decision-Making Standards for Site Plan (Minor or Major). The Planning Commission's decision shall be one of the following:

- (a) Approve the major site plan application as proposed;
- (b) Approve a major site plan, subject to conditions of approval; or
- (c) Deny the major site plan application.

**(6) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations. If a building permit or certificate of occupancy, as appropriate, is not approved for a portion of the major site plan within two years of the date of approval of the major site plan, it shall automatically expire.

**(F) Decision-Making Standards for Site Plan (Minor or Major)**

A site plan (minor or major) shall be approved only on finding the applicant demonstrates all the following standards are met:

- (1) The uses proposed in the site plan are allowed in accordance with Article 4: Use Regulations;

- (2) The development proposed in the site plan and its general layout and design comply with all applicable standards in Article 5: Development Standards;
- (3) The development proposed in the site plan and its general layout and design comply with all applicable standards in the Subdivision Regulations;
- (4) The development proposed in the site plan and its general layout and design comply with any terms and conditions of approval to which the property is subject; and
- (5) The development proposed in the site plan is consistent with all other applicable standards of this Ordinance.

**2.5.6. Zoning Compliance Certificate**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for certifying a development is compliant with this Ordinance.

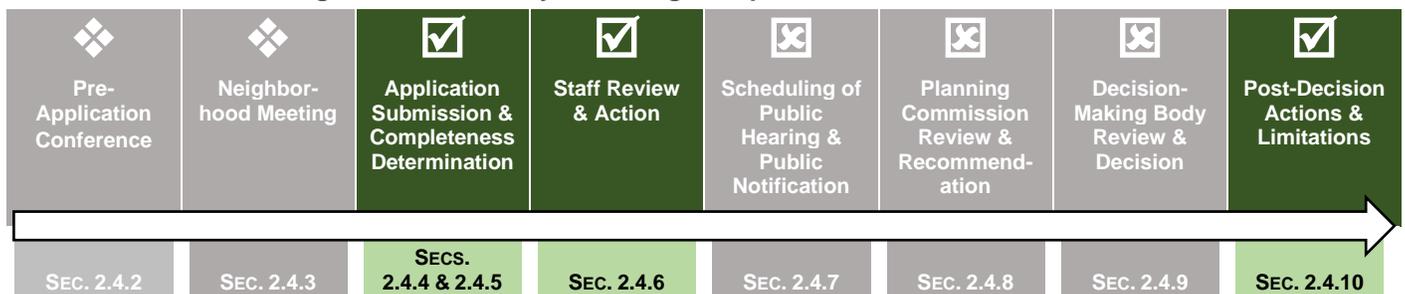
**(B) Applicability**

- (1) No building or structure shall be erected, altered, or relocated, and no use of a property or change in use of a property shall be established without an approved zoning compliance certificate.
- (2) A zoning compliance certificate is required:
  - (a) Prior to commencement of all development or construction; or
  - (b) Prior to commencement of a change in use of a property or structure.

**(C) Procedure for Zoning Compliance Certificate**

An application for a zoning compliance certificate shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-8: Summary of Zoning Compliance Certificate Procedure, identifies the standard procedures in Section 2.4, that apply to zoning compliance certificate applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for zoning compliance certificate, including any modifications to the standard procedures in Section 2.4.

**Figure 2-8: Summary of Zoning Compliance Certificate Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.6(D), Decision-Making Standards for Zoning Compliance Certificates. The Director’s decision shall be one of the following:

- (a) Approve the application as submitted;

- (b) Approve the application subject to conditions of approval;
- (c) Deny the application.

**(3) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for Zoning Compliance Certificates**

The Director shall approve a zoning compliance certificate only on finding the plans, specifications, and intended use comply with all standards and requirements in this Ordinance and the Subdivision Regulations.

**2.5.7. Sign Permit**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring that the erection and maintenance of signs complies with Section 5.11, Sign Standards.

**(B) Applicability**

A sign permit is required prior to the location, construction, erection, posting, attachment, alteration, or repair of a sign, unless such activity is exempted in accordance with Section 5.11, Sign Standards.

**(C) Procedure for Sign Permits**

An application for a sign permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-9: Summary of Sign Permit Procedure, identifies the standard procedures in Section 2.4 that apply to sign permit applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for sign permits, including any modifications to the standard procedures in Section 2.4.

**Figure 2-9: Summary of Sign Permit Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.7(D), Decision-Making Standards for Sign Permits. The Director’s decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

**(3) Post Decision Actions and Limitations**

- (a) Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.
- (b) The sign permit shall automatically expire six months after the date it is issued if a building permit for the approved activity has not been obtained or if the activity approved in the sign permit has not commenced.

**(D) Decision-Making Standards for Sign Permits**

The Director shall approve a sign permit only on finding the proposed activity complies with all applicable standards in Section 5.11, Sign Standards.

**2.5.8. Home Occupation Permit**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring home occupations comply with the home occupation standards in this Ordinance.

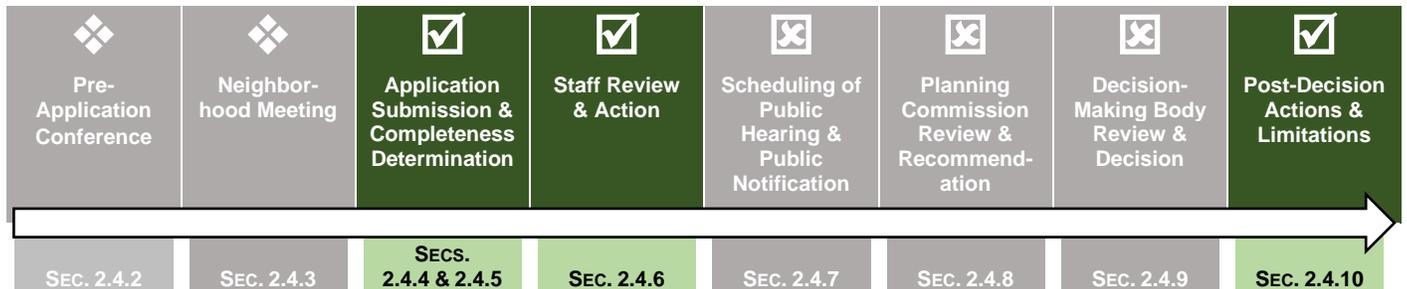
**(B) Applicability**

A home occupation permit is required prior to commencement of a home occupation.

**(C) Procedure for Home Occupation Permits**

An application for a home occupation permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-10: Summary of Home Occupation Permit Procedure, identifies the standard procedures in Section 2.4, that apply to home occupation permit applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for home occupation permits, including any modifications to the standard procedures in Section 2.4.

**Figure 2-10: Summary of Home Occupation Permit Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.8(D), Decision-Making Standards for Home Occupation Permits. The Director’s decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

**(3) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for Home Occupation Permits**

The Director shall approve a home occupation permit only on finding the proposed home occupation complies with all standards and requirements in Sec. 4.3.4(F), Home Occupation.

**2.5.9. Temporary Use Permit**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring temporary uses comply with the temporary use standards of this Ordinance.

**(B) Applicability**

A temporary use permit is required before establishment of a temporary use that requires a temporary use permit.

**(C) Procedure for Temporary Use Permits**

An application for a temporary use permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-11: Summary of Temporary Use Permit Procedure, identifies the standard procedures in Section 2.4, that apply to temporary use permit applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for temporary use permits, including any modifications to the standard procedures in Section 2.4.

**Figure 2-11: Summary of Temporary Use Permit Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.9(D), Decision-Making Standards for Temporary Use Permits. The Director’s decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

**(3) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for Temporary Use Permits**

The Director shall approve a temporary use permit only on finding the proposed temporary use complies with the standards in Section 4.4, Temporary Uses and Structures.

**2.5.10. Utility System Operation Approval**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring utility systems comply with the standards of this Ordinance.

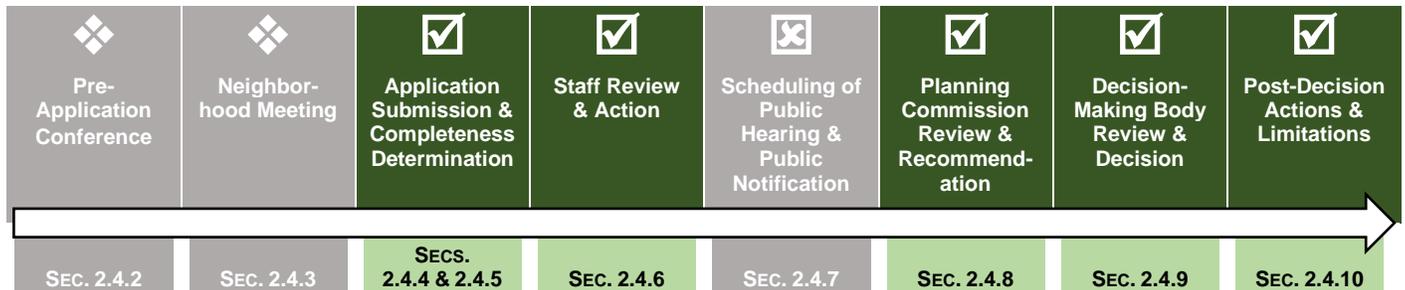
**(B) Applicability**

A utility system operational approval is required to create a utility system (water, wastewater, gas, electrical, or other) in the unincorporated County.

**(C) Procedure for Utility System Permits**

An application for a utility system operational approval shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-12: Summary of Utility System Operational Approval Procedure, identifies the standard procedures in Section 2.4 that apply to utility system permit applications and those that do not apply. Subsections (1) through (5) below set out the required procedure for utility system permits, including any modifications to the standard procedures in Section 2.4.

**Figure 2-12: Summary of Utility System Operational Approval Procedure**



☑= Applicable; ❌=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and prepare a staff report that includes a recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(3) Advisory Body Review and Recommendation**

The Planning Commission shall conduct a public meeting on the application and make a recommendation on the application in accordance with Sec. 2.4.8, Planning Commission Review and Recommendation, and Sec. 2.5.10(D), Decision-Making Standards for Utility System .

**(4) Decision-Making Body Review and Decision**

The County Commission shall make a decision on the application in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.10(D), Decision-Making Standards for Utility System . The County Commission’s decision shall be one of the following:

- (a) Approve the utility system as proposed;
- (b) Approve a revised version of the proposal for the utility system subject to conditions of approval;
- (c) Deny a permit for the utility system;
- (d) Remand the application to the Planning Commission for further consideration.

**(5) Post-Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for Utility System Operational Approval**

A utility system permit shall only be approved on finding the proposed utility system complies with all standards and requirements in this Ordinance, other applicable County laws, and applicable state law.

**2.5.11. House Moving Permit**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring the movement of existing detached single-family homes complies with the standards of this Ordinance and state law.

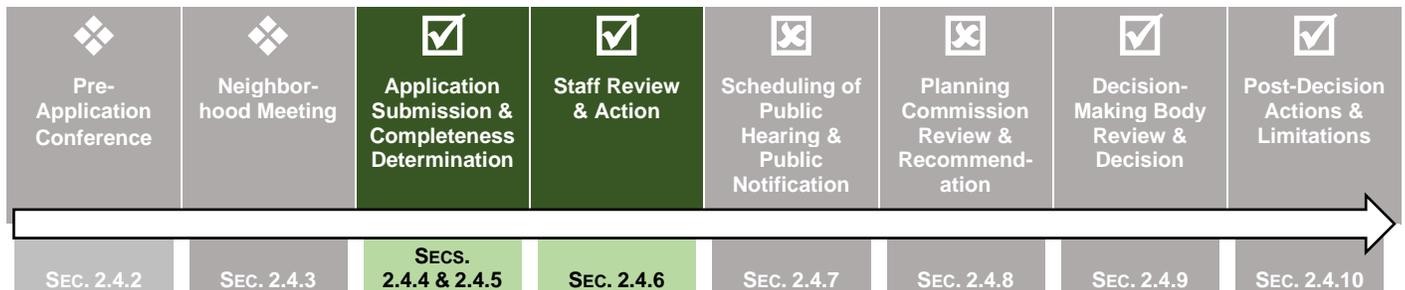
**(B) Applicability**

Unless exempt in accordance with Sec. 13-3-502, T.C.A, a house moving permit is required before moving a house from one lot to another lot in the unincorporated County. If required, it is a prerequisite for submitting a Building Permit (see Sec. 2.5.12).

**(C) Procedure for House Moving Permits**

An application for a house moving permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-13: Summary of House Moving Permit Procedure, identifies the standard procedures in Section 2.4 that apply to house moving permit applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for house moving permits, including any modifications to the standard procedures in Section 2.4.

**Figure 2-13: Summary of House Moving Permit Procedure**



☑= Applicable; ✗=Not Applicable; ◆=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.11(D), Decision-Making Standards for House Moving Permits. The Director’s decision shall be one of the following:

- (a) Approve the house moving permit application as proposed;
- (b) Approve a revised house moving permit subject to conditions of approval; or
- (c) Deny the house moving permit application.

**(3) Post-Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for House Moving Permits**

The Director shall approve a housing moving permit only on finding the proposed house moving permit application complies with all standards and requirements in Secs. 13-5-302 and 13-3-503, T.C.A.

**2.5.12. Building Permit**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism to ensure all proposed development complies with the standards of this Ordinance and state law, prior to the issuance of a building permit and development on a site.

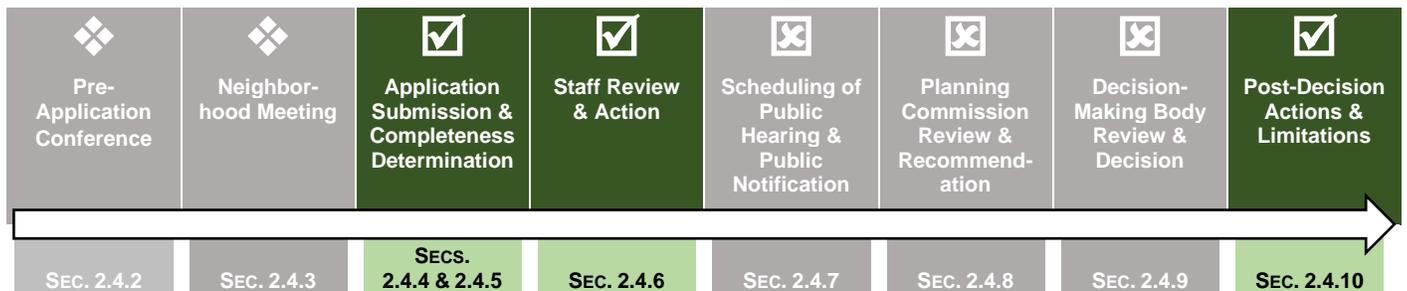
**(B) Applicability**

A building permit is required before a property owner or applicant locates, erects, or begins construction, reconstruction, extension, change of occupancy, or structural alteration of any building or structure in the unincorporated County.

**(C) Procedure for Building Permits**

An application for a building permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-14: Summary of Building Permit Procedure, identifies the standard procedures in Section 2.4 that apply to building permit applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for a building permit, including any modifications to the standard procedures in Section 2.4.

**Figure 2-14: Summary of Building Permit Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.12(D), Decision-Making Standards for Building Permits. The Director’s decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

**(3) Post-Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for Building Permits**

The Director shall approve a building permit only on finding the proposed location, erection, construction, reconstruction, extension, conversion, or structural alteration complies with the adopted building codes of the County. and all other applicable regulations.

**2.5.13. Zoning Variance**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism to allow deviations from the standards in this Ordinance when the strict application of the standards would result in unnecessary hardship.

**(B) Applicability**

- (1) Except as provided in subsection (2) below, the BZA may grant relief from the standards of this Ordinance in accordance with the procedures and sections of this section.
- (2) The BZA may not permit a use on land in a zone district where the use is prohibited within the zone district.

**(C) Procedure for Variance**

An application for a zoning variance shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-15: Summary of Zoning Variance Procedure, identifies the standard procedures in Section 2.4 that apply to zoning variance applications and those that do not apply. Subsections (1) through (5) below set out the required procedure for zoning variance applications, including any modifications to the standard procedures in in Section 2.4.

**Figure 2-15: Summary of Zoning Variance Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application in accordance with Sec. 2.4.6, Staff Review and Action.

**(3) Scheduling of Public Hearing and Public Notification**

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(4) Decision-Making Body Review and Decision**

The BZA shall conduct a public hearing on the application and make a decision in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.13(D), Decision-Making Standards for Zoning Variance. The BZA's decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

**(5) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations. In addition, approval of a zoning variance authorizes only the particular relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other development approvals or permits under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. A zoning variance, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

**(D) Decision-Making Standards for Zoning Variance****(1) The BZA shall grant a variance only on finding the applicant demonstrates all of the following:**

- (a) That the applicant experiences peculiar and exceptional practical difficulties or exceptional and undue hardship resulting from:
  - 1. Exceptional narrowness, shallowness, or shape of a specific piece of property;
  - 2. Exceptional topographic conditions; or
  - 3. Other extraordinary or exceptional situations or conditions regarding a piece of property;
- (b) That the variance is the minimum variance that would relieve such difficulties or hardship;
- (c) That the variance will not authorize a use in a zone district other than those permitted by this Ordinance;
- (d) That the granting of the variance will not be detrimental to the general welfare, the reasonable enjoyment of and value of property or improvements in the area in which the subject property is located, or the intent and purpose of the zone district in which the subject property is located;
- (e) That the proposed variance will not limit an adequate supply of light and air to the adjacent property, substantially increase nearby traffic congestion, increase fire hazard, or otherwise endanger the safety of the public; and

- (f) That the alleged difficulty or hardship has not been knowingly or intentionally created by any person having an interest in the property.
- (2) Under no circumstances shall a variance be granted:
  - (a) On the grounds of a nonconforming use of neighboring lands, structures, or buildings, whether in the same zone district or a different district from the subject property;
  - (b) To allow a use not permitted in the district in which the subject property is located.

**2.5.14. Floodplain Variance**

See Sec. 5.12.5, Variance Procedures.

**2.5.15. Appeal of Administrative Decision**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for appeals to the BZA of administrative decisions made by the Director.

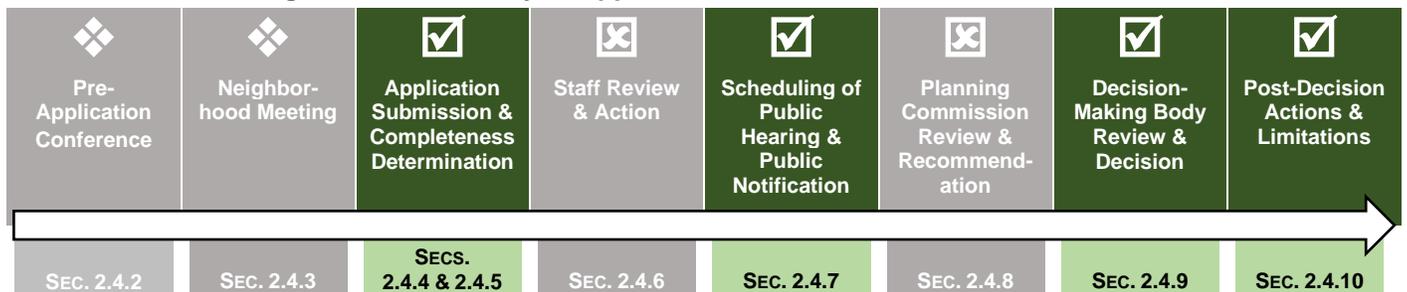
**(B) Applicability**

Any person aggrieved by a final decision of the Director under this Ordinance may appeal the decision to the BZA in accordance with the procedures and standards in this section.

**(C) Procedure for Appeal of Administrative Decision**

An appeal of an administrative decision by the Director shall be appealed to the BZA and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-16: Summary of Appeal of Administrative Decision Procedure, identifies the standard procedures in Section 2.4 that apply to an appeal of an administrative decision. Subsections (1) through (3) below set out the required procedure for appeals of administrative decisions, including any modifications to the standard procedures in Section 2.4.

**Figure 2-16: Summary of Appeal of Administrative Decision Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

A Notice of Appeal shall be submitted in accordance with Sec. 2.4.4, Application Submission, as modified by subsections (a) through (c) below. For purposes of this section, the Notice of Appeal shall be considered the “application.”

- (a) Appellant shall file a Notice of Appeal on a decision of the Director under this Ordinance to the Director within 30 days after the date of the decision being appealed. The Notice of Appeal shall clearly identify the decision of the Director appealed, the grounds for the appeal, and the error made by the Director in making the decision.
- (b) Submission of a complete Notice of Appeal stays all proceedings in furtherance of the action appealed from, unless the Director certifies to the BZA that by reason of the facts stated in the certificate, a stay would, in the Director’s opinion, cause imminent peril to life or property. Where such as certificate has been provided, proceedings may be stayed only by a restraining order granted by the BZA, or by a court of competent

jurisdiction on due cause shown and following notice to the person or body providing the certification.

- (c) The Director shall transmit the Notice of Appeal and all documents and written materials submitted by the Appellant in support of the Notice of Appeal, and all other relevant documents, to the BZA. The Director may also include information in support of the Director's decision. These materials, plus any adopted plans and this Ordinance shall constitute the record on appeal.

**(2) Scheduling of Public Hearing and Public Notification**

The public hearing on the appeal shall be scheduled and notification of the hearing provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(3) Decision-Making Body Review and Decision**

- (a) The BZA shall conduct a public hearing on the appeal and make a decision based on the record on the appeal in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.15(D), Decision-Making Standards for Appeal of Administrative Decision. The BZA's decision shall be one of the following:

1. Affirm the decision being appealed, wholly or in part;
2. Modify the decision being appealed; or
3. Reverse the decision being appealed, wholly or in part.

- (b) In making its decision, the BZA shall have all the powers of the official who made the decision and may make such order, requirement, decision, or determination as ought to be made.

**(4) Post Decision Actions and Limitations**

Any appeal of the BZA's decision shall be to a court of competent jurisdiction in accordance with state law.

**(D) Decision-Making Standards for Appeal of Administrative Decision**

The BZA shall modify or reverse the decision on appeal only if it finds, based upon competent and substantial evidence in the record, that there has been a clear and demonstrable error in the application of the facts or the review standards of this Ordinance.

**2.5.16. Floodplain Appeal**

See Sec. 5.12.5(A)(3), Appeals.

**2.5.17. Interpretation**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for rendering a formal written interpretation of this Ordinance.

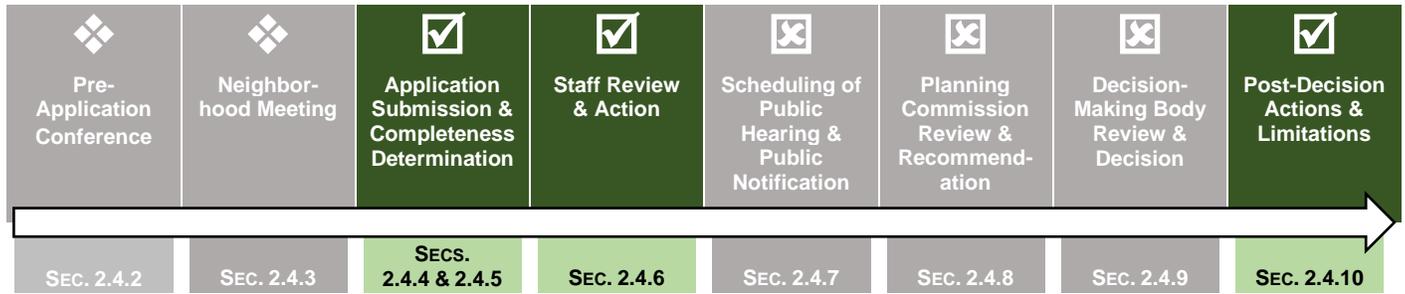
**(B) Applicability**

The Director is responsible for making formal written interpretations of this Ordinance, including interpretations of the text of this Ordinance, interpretations of the zone district boundaries, and interpretations of whether an unlisted use falls within a use category or use type allowed in a zone district. In making interpretations, the Director may seek guidance from the County Attorney, and assistance from other County staff, as appropriate.

**(C) Procedure for Interpretation**

An application for a written interpretation shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-17: Summary of Interpretation Procedure, identifies the standard procedures in Section 2.4 that apply to applications for an interpretation and those that do not apply. Subsections (1) through (3) below set out the required procedure for interpretations, including any modifications to the standard procedures in Section 2.4.

Figure 2-17: Summary of Interpretation Procedure



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

- (a) Requests for interpretations shall be submitted in accordance with 2.4.4, Application Submission, except that the request may be submitted by the County Commission, the Planning Commission, any resident or landowner in the unincorporated County, or any person having a contractual interest in land in the unincorporated County. For purposes of this section, the request for an interpretation shall be considered the “application.”
- (b) The Director shall make a determination as whether the application is complete in accordance with 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and render an interpretation, which shall constitute the decision on the application, in accordance with 2.4.6, Staff Review and Action, and Sec. 2.5.17(D), Decision-Making Standards for Interpretation. Prior to rendering an interpretation, the Director shall consult with the County Attorney and other affected County officials about the interpretation, as appropriate.

**(3) Post-Decision Action**

- (a) A written interpretation shall be binding on subsequent decisions by the Director or other officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the interpretation is modified in accordance with this section, or the relevant text of this Ordinance or zone district boundary is amended.
- (b) The Director shall maintain in the Director’s office a record of formal written interpretations rendered in accordance with this section, which shall be available to the public, upon reasonable request during normal business hours.

**(D) Decision-Making Standards for Interpretation**

**(1) Text Provisions**

Interpretation of the provision’s text and its application shall be based on Section 8.2, General Rules for Interpretation; Section 1.6, Relationship with Other County Laws; and considerations including, but not limited to, the following:

- (a) The plain meaning of the provision’s wording, considering any terms specifically defined in Section 8.5, Definitions; and the common and accepted usage of terms; and
- (b) The purpose of the provision, as indicated by:
  1. Any purpose statement in the section(s) where the text is located;
  2. The provision’s context and consistency with surrounding and related provisions;
  3. Any legislative history related to the provision’s adoption;
  4. The general purposes served by this Ordinance, as set forth in Section 1.3, General Purpose and Intent; and

5. Any plans adopted by the County.

**(2) Unspecified Uses**

Interpretation of whether an unspecified use is similar to a use identified in the use tables in Article 4: Use Regulations, or is prohibited in a zone district, shall be based on Sec. 8.2.9, Interpretation of Unlisted Uses.

**(3) Official Zone District Boundaries**

Interpretation of the location of zone district boundaries as shown on the Official Zoning Map, shall be based on Section 8.2.8, Zone District Boundaries.



# Article 3: Zone Districts

## Commentary on Draft:

**Article 3: Zone Districts**, establishes and contains the dimensional and other basic regulations for the base, planned development, and overlay zone districts in the County.

**Section 3.1, General Provisions**, establishes the different types of zone districts, requires that all development comply with district standards, and establishes general standards that apply to all districts.

**Section 3.2, Agricultural and Residential Districts**, establishes the agricultural and residential base districts, including one agricultural district and two residential districts.

**Section 3.3, Commercial Districts**, establishes seven districts that are intended for a variety of commercial, business, and industrial uses.

**Section 3.4, Planned Development Districts**, establishes standards for the new Planned Development district and Planned Development-Traditional Neighborhood Development district.

**Section 3.5, Overlay Districts**, establishes standards for the floodplain overlay district.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

## Section 3.1 General Provisions

### 3.1.1. Zone Districts Established

This Ordinance establishes the zone districts identified in Table 3-1: Zone Districts Established. The boundaries of each zone district are identified on the Official Zone District Map (see Section 1.7, Official Zoning Map).

<b>Table 3-1: Zone Districts Established</b>	
<b>Agricultural and Residential Districts</b>	
AP: Agricultural Preservation	Section 3.2.2
RR: Residential Rural	Section 3.2.3
RG: Residential General	Section 3.2.4
RN: Residential Neighborhood	Section 3.2.5
<b>Commercial Districts</b>	
CRC: Commercial Rural Center	Section 3.3.2
CN: Commercial Neighborhood	Section 3.3.3
CC: Commercial Center	Section 3.3.4
COR: Commercial Corridor	Section 3.3.5
IL: Industrial Light	Section 3.3.6
IM: Industrial Medium	Section 3.3.7
IH: Industrial Heavy	Section 3.3.8
<b>Planned Development Districts</b>	
PD: Planned Development	Section 3.4.2
<b>Overlay District</b>	
FP-O: Floodplain Overlay	Section 3.5.2
SW-O: Solid Waste Overlay	Section 3.5.3

### 3.1.2. Relationship of Zone Districts

There are three different types of zone districts established in this Ordinance

#### (A) Base Zone Districts

This Ordinance contains two types of base zone districts: Agricultural and Residential districts and Commercial districts. These base zone districts establish requirements for land development, including dimensional standards and allowed uses and use standards. Some include district-specific development standards, in addition to or instead of general development standards in Article 5: Development Standards.

#### (B) Planned Development Zone Districts

This Ordinance contains one Planned Development (PD) district. Development on land within a PD district is subject to a Planned Development Plan (PD Plan) and Planned Development Agreement (PD Agreement) approved for each such district in accordance with the provisions in this Ordinance.

#### (C) Overlay Zone Districts

Overlay districts apply in addition to base or planned development zone districts. Land classified within an overlay district is subject to the regulations governing development in the overlay district, in addition to the regulations governing development in the underlying base or planned development district. If there is a conflict between the regulations in the overlay district and the underlying base or planned development district, the requirements of the overlay district control, unless specifically stated to the contrary. This Ordinance contains two overlay districts, the FP-O: Floodplain Overlay district and the SW-O: Solid Waste Overlay district.

### 3.1.3. Compliance Required

Land in the County that is subject to the County's land-use jurisdiction shall not be developed except in accordance with the regulations of this article, all other regulations of this Ordinance, and the Subdivision Regulations.

### 3.1.4. General Zone District Standards

- (A) The minimum lot sizes established in this Article 3 apply to lands with sanitary sewer service, including sewer service operated by a public utility or another utility approved by the County Commission and authorized to operate by the Tennessee Department of Environment & Conservation (TDEC), or uses that have access to a decentralized wastewater disposal and treatment system in accordance with Sec. 4.2.4(C)(12), Decentralized Wastewater Treatment and Disposal System. Lots without sanitary sewer service shall have minimum lot sizes as established in this Article 3 or as required by TDEC, whichever lot size is greater. No use may commence until the sanitary sewer system serving the use has received all necessary approvals from the County, state, and TDEC, as applicable.
- (B) All septic systems, including on-site subsurface disposal fields, shall be located on the same lot as the uses being served and may not be located on another lot or in an easement.
- (C) No lot shall be reduced in area, width, depth, or any other dimension below the minimum requirements of this Article 3.



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## Section 3.2 Agricultural and Residential Districts

### 3.2.1. Purpose

The purposes of the Agricultural and Residential zone districts are to:

- (A) Provide appropriately located lands for development that are consistent with the goals, objectives, and policies of the Comprehensive Plan and all other relevant plans adopted by the County;
- (B) Support existing agricultural lands and uses and protect them from incompatible residential development;
- (C) Minimize the impact that residential development may have on the community's rural character and the natural environment;
- (D) Protect existing natural features and the natural environment;
- (E) Support limited nonresidential services that are compatible with very low or low density residential development; and
- (F) Provide for varying types of residential development and densities that are compatible with different parts of the County.



**3.2.2. AP: Agricultural Preservation**

**(A) Purpose and Intent**

The purpose of the AP: Agricultural Preservation district is to support and protect the primary use of land for farming by stabilizing the agricultural land base, including the preservation and protection of valuable agricultural and forestry uses, and lands with significant environmental features and functions. Along with agricultural and single-family detached dwelling uses, a limited number of other uses are allowed in the district, when they are designed and located to preserve and maintain the district’s rural character.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the AP district shall comply with the standards in Table 3-2: AP District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-2: AP District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min (acres)	15	<b>Setbacks, min (ft)</b>	
Density, max (du/acre)	0.2	<b>C</b> Front	100
<b>D</b> Dwelling units per lot, max	2	<b>D</b> Side	30 [1]
<b>A</b> Lot width, min (ft)	300	<b>E</b> Rear	50
<b>B</b> Height, max (stories   ft)	3   35		
Lot coverage, max	10%		

*du = dwelling units min = minimum max = maximum ft = feet*

**NOTES:**

[1] Minimum setback along a secondary street frontage is 75 feet.

[Dimensional drawing to be added]

**(A) Development Standards**

Development in the AP district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-3: Cross-References to Other Standards.

<b>Table 3-3: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		



**3.2.3. RR: Residential Rural**

**(A) Purpose and Intent**

The purpose of the RR: Residential Rural district is to provide lands that accommodate agricultural and forestry uses along with low density residential uses.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the RR district shall comply with the standards in Table 3-4: RR District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

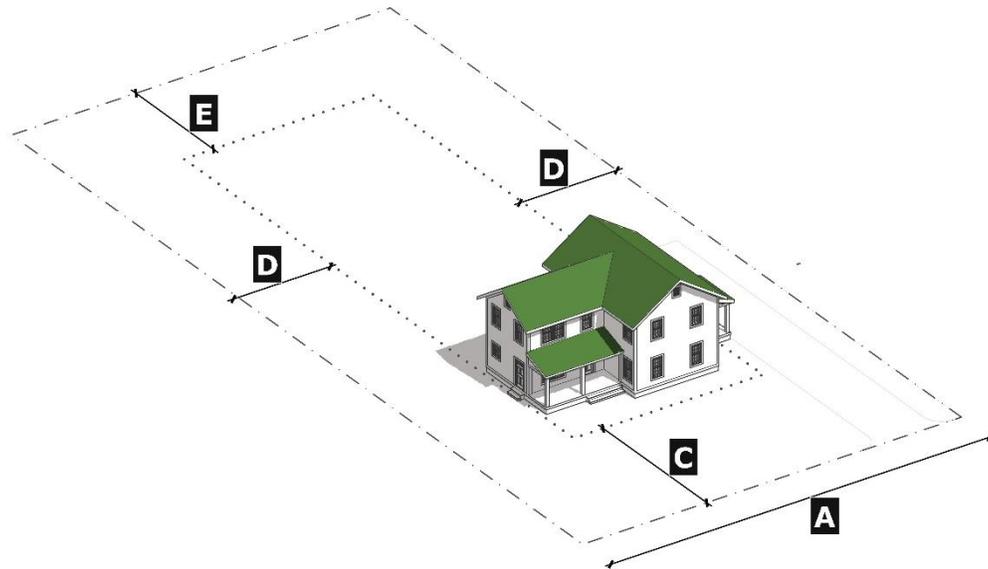
**Table 3-4: RR District Intensity and Dimensional Standards**

Standard	Value	Standard	Value
Lot area, min (acres)	5	<b>Setbacks, min (ft)</b>	
Density, max (du/acre)	1	<b>C</b> Front	75
Dwelling units per lot, max	2 [1]	<b>D</b> Side	20   50 [2]
<b>A</b> Lot width, min (ft)	100	<b>E</b> Rear	30 [3]
<b>B</b> Height, max (stories   ft)	3   35		
Lot coverage, max	30%		

*du = dwelling units min = minimum max = maximum ft = feet*

**NOTES:**

- [1] If a single lot includes two dwellings, the dwellings may be provided 1) in one building, separated by a fire wall as required by the Building Code; or 2) in two separate buildings separated by at least 50 feet.
- [2] The minimum side setback to another lot is 20 feet; the minimum side setback to a secondary street frontage is 50 feet.
- [3] An accessory structure may be located within the rear setback if it is a minimum of 15 feet from the property line.



**(D) Development Standards**

Development in the RR district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-5: Cross-References to Other Standards.

<b>Table 3-5: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		

**(E) Additional Standards**

- (1) Accessory structures shall be located at least 20 feet behind the principal building on the site.
- (2) A dwelling unit shall be located at least 40 feet from another dwelling unit in a separate building on the same lot, measured from the nearest points of the buildings.

**3.2.4. RG: Residential General**

**(A) Purpose and Intent**

The purpose of the RG: Residential General district is to provide lands that accommodate low-density residential development in areas within the unincorporated areas of the County.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

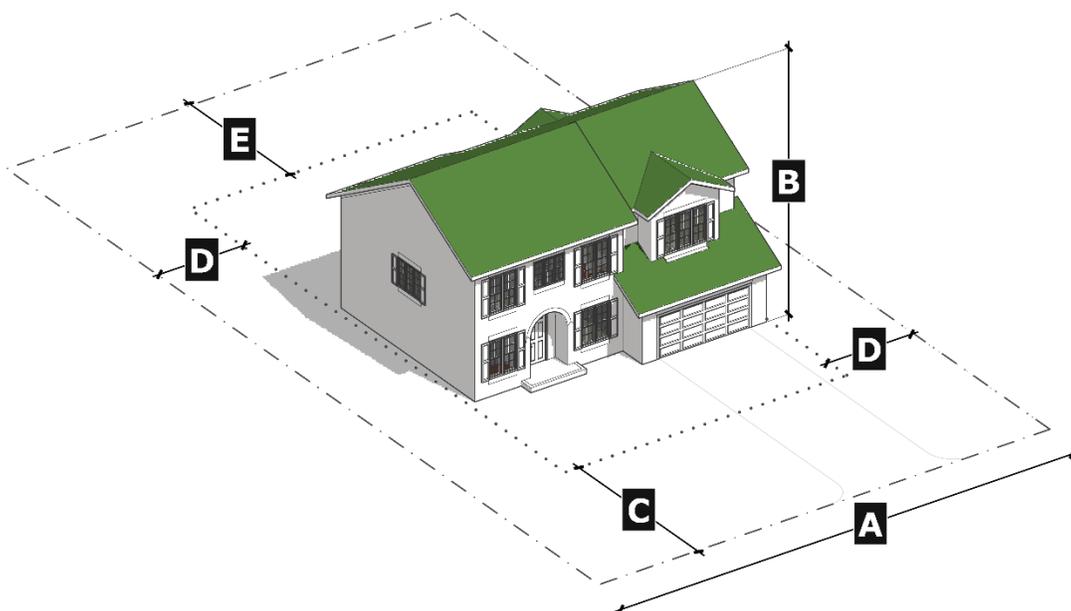
Development in the RG district shall comply with the standards in Table 3-6: RG District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

Table 3-6: RG District Intensity and Dimensional Standards			
Standard	Value	Standard	Value
Lot area, min (acres)	1 [1]	<b>Setbacks, min (ft)</b>	
Density, max (du/acre)	1	<b>C</b> Front	25
Dwelling units per lot, max	2 [2]	<b>D</b> Side	20   30 [3] [4]
<b>A</b> Lot width, min (ft)	100	<b>E</b> Rear	30 [3]
<b>B</b> Height, max (stories   ft)	2   35		
Lot coverage, max	30%		

*du = dwelling units min = minimum max = maximum ft = feet*

**NOTES:**

- [1] Lots that were served by sanitary sewer as of [insert effective date of this Ordinance] may be as small as 20,000 square feet in area.
- [2] One dwelling unit is permitted if a lot is less than 2.5 acres in area. Two dwelling units are permitted if the lot is 2.5 acres or greater in area. If a single lot includes two dwellings, the dwellings may be provided 1) in one building, separated by a fire wall as required by the Building Code; or 2) in two separate buildings separated by at least 50 feet.
- [3] The minimum side setback to another lot is 20 feet; the minimum side setback to a secondary street frontage is 30 feet for the principal building.
- [4] An accessory structure may be located within the side setback to a secondary frontage or the rear setback if it is a minimum of 15 feet from the property line.



**(D) Development Standards**

Development in the RG district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-7: Cross-References to Other Standards.

<b>Table 3-7: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		

**(E) Additional Standards**

(1) Accessory structures shall be located at least 10 feet behind the principal building on the site.



**3.2.5. RN: Residential Neighborhood**

**(A) Purpose and Intent**

The purpose of the RN: Residential Neighborhood district is to provide lands that can accommodate low- to medium-density single-family residential development in a form that preserves a portion of the land as open space set-asides, for the purpose of preserving and maintaining the County’s low density and rural character.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the RG district shall comply with the standards in Table 3-8: RN District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-8: RN District Intensity and Dimensional Standards</b>					
<b>Standard</b>		<b>Value</b>	<b>Standard</b>		<b>Value</b>
Lot area, min (sf)		6,500	<b>Setbacks, min (ft)</b>		
Density, max (du/acre)		3	<b>C</b>	Front	20
<b>A</b>	Lot width, min (ft)	60   80 [1]	<b>D</b>	Side	10
<b>B</b>	Height, max (stories   ft)	3   35	<b>E</b>	Rear	15
Lot coverage, max		40%			

*du = dwelling units min = minimum max = maximum ft = feet*

**NOTES:**

[1] Minimum lot width is 60 feet, or 80 feet on a corner lot.

[Dimensional drawing to be added]

**(D) Development Standards**

Development in the RN district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in subsection (E) below and Table 3-7: Cross-References to Other Standards.

<b>Table 3-9: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		

**(E) Additional Standards**

**(1) Site Configuration**

The lots used for residential purposes shall be clustered to the maximum extent practicable, to allow for the maximum amount of contiguous open space.

**(2) Open Space Set-Asides**

Development in the RN district shall be required to set aside 30 percent of the land as permanent open space. The open space set-aside shall comply with the standards in Section 5.5, Open Space Set-Aside Standards, as modified by the following:

- (a) The open space set-aside shall not include land used for a decentralized wastewater treatment system.
- (b) The use of natural features as open space shall be prioritized.
- (c) Facilities such as fountains or other water features, play structures, swimming pools, and athletic fields and courts (and associated clubhouse) shall not be constructed in the areas established to meet the 30 percent open space set-aside requirement.

**(3) Accessory Structures**

Accessory structures shall be located in the rear yard, at least 10 feet behind the principal building on the site, and at least 10 feet from the rear lot line.

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## Section 3.3 Commercial Districts

### 3.3.1. Purpose

The purposes of the Commercial zone districts are to:

- (A) Strengthen the County's economic base and provide employment opportunities close to home for County residents;
- (B) Provide appropriately located lands that accommodate the full variety of development types needed for different business and commercial uses; and
- (C) Encourage and support high-quality development along existing nonresidential corridors, where nonresidential uses are appropriate.

### 3.3.2. CRC: Commercial Rural Center

**(A) Purpose and Intent**

The purpose of the CRC: Commercial Rural Center district is to provide lands that accommodate low intensity civic and commercial uses in rural parts of the County. Development is intended to be small-scale and compact and not extend along arterial or collector streets.

**(B) Use Standards**

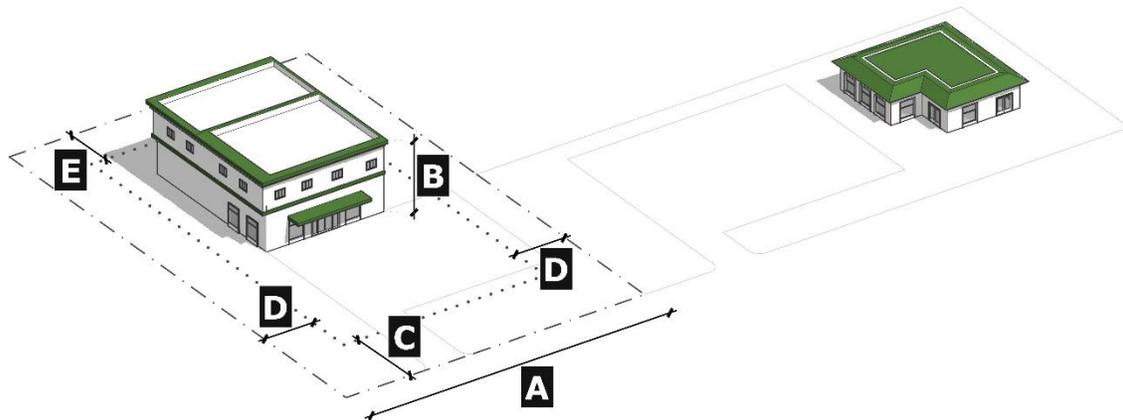
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the CRC district shall comply with the standards in Table 3-10: CRC District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

Table 3-10: CRC District Intensity and Dimensional Standards			
Standard	Value	Standard	Value
Lot area, min (sf)	20,000	<b>Setbacks, min (ft)</b>	
Dwelling units per lot, max	1	<b>C</b> Front	30
<b>A</b> Lot width, min (ft)	100	<b>D</b> Side	20
<b>B</b> Height, max (stories   ft)	3   35	<b>E</b> Rear	20
Lot coverage, max	40%		

*min = minimum max = maximum ft = feet*



**(D) Development Standards**

Development in the CRC district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-11: Cross-References to Other Standards.

Table 3-11: Cross-References to Other Standards			
Sec.	Standard	Sec.	Standard
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards

<b>Table 3-11: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		

### 3.3.3. CN: Commercial Neighborhood

**(A) Purpose and Intent**

The purpose of the CN: Commercial Neighborhood district is to provide lands that accommodate a limited range of small-scale neighborhood serving commercial uses and a mix of residential uses, at a maximum density of seven units per acre, along the County’s major thoroughfares and where water infrastructure can be extended, on appropriate locations designated in the County’s comprehensive plan. Development is intended to be of moderate scale, generally walkable, and reasonably compact, and not create “strip development” that extends along arterial or collector streets. Specifically, allowable uses include small-scale residential uses (including townhouses, but excluding single-family detached dwellings), limited retail sales and services, personal services, eating or drinking establishments, and related uses, and small-scale mixed-use development (residential over ground floor) at a scale and form that is consistent with district character.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the CN district shall comply with the standards in Table 3-12: CN District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-12: CN District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min	None [1]	<b>Setbacks (ft)</b>	
Density, max (du/acre)	7	<b>C</b> Front, min   max	10   20 [2]
<b>A</b> Lot width, min (ft)	20	<b>D</b> Side, min	None
<b>B</b> Height, max (stories   ft)	3   35	<b>E</b> Rear, min	None
Lot coverage, max	70%		

*min = minimum max = maximum ft = feet*

**NOTES:**

- [1] The maximum amount of contiguous land that may be assigned to the CN district is 100 acres.
- [2] Within the zone created by the minimum and maximum front setback, at least 60 percent of the width of the lot shall be occupied by the façade of the principal building on the site. Outdoor dining between a building’s frontage and a sidewalk is allowed, and the maximum front setback may be extended for that outdoor dining area only to 50 feet, provided that a “clear zone” is provided that is unobstructed by any permanent or nonpermanent object for a minimum width of four feet.

[Dimensional drawing to be added]

**(D) Development Standards**

Development in the CN district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards in subsection (E) below and the standards referenced in Table 3-13: Cross-References to Other Standards.

<b>Table 3-13: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		

**(E) Additional Standards**

**(1) Comprehensive Plan**

This district shall only be assigned on lands identified in the Comprehensive Plan as compatible with the CN district.

**(2) Acreage**

No contiguous area assigned to the CN district shall exceed 100 acres in area.

**(3) Location**

The CN district shall only be assigned to land at the intersection of two arterial roads identified on the County Road list approved by the County Commission.

**(4) Use Requirements**

No development shall be approved unless at least 5,000 square feet of the gross floor area of development on a site consists of allowed commercial uses, and the total interior square footage of the commercial uses exceeds the interior square footage of residential uses.

**(5) Frontage Requirements**

At least 30 percent of the ground-level frontage of buildings in a development shall be occupied by commercial uses.

**(6) Off-Street Parking**

All proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s). Each on-street parking space provided along any private street on the development site shall count towards the minimum off-street parking requirement in Sec. 5.2.6, Off-Street Vehicular Parking Spaces Required.

**(7) Streets and Sidewalks**

**(a)** All streets within the development shall be private streets in accordance with the standards in Sec. 5.1.5(D), Private Streets.

**(b)** All development in the district, including development along state or County roads, shall include privately-maintained sidewalks that comply with the standards in Sec. 5.1.5(B), Sidewalks.

**(8) Pedestrian Entrances**

Where the facade of a principal building abuts or faces a street, at least one operable pedestrian entrance providing both ingress and egress shall be provided. If the facade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space. Each such pedestrian entrance shall be clearly defined and emphasized using changes in the wall plane or facade material, pilasters, awnings, canopies, porches, or other architectural elements.

**(9) Accessory Structures**

Accessory structures shall be located at least 10 feet behind the principal building on the site.

**(10) Sewage Disposal**

Lots without sanitary sewer service shall have a sewage disposal system approved by TDEC.



**3.3.4. CC: Commercial Center**

**(A) Purpose and Intent**

The purpose of the CC: Commercial Center district is to provide lands that accommodate higher-intensity commercial uses along the County’s arterial roadways. A broad range of commercial uses are allowed in the district, primarily retail, office, and service establishments.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

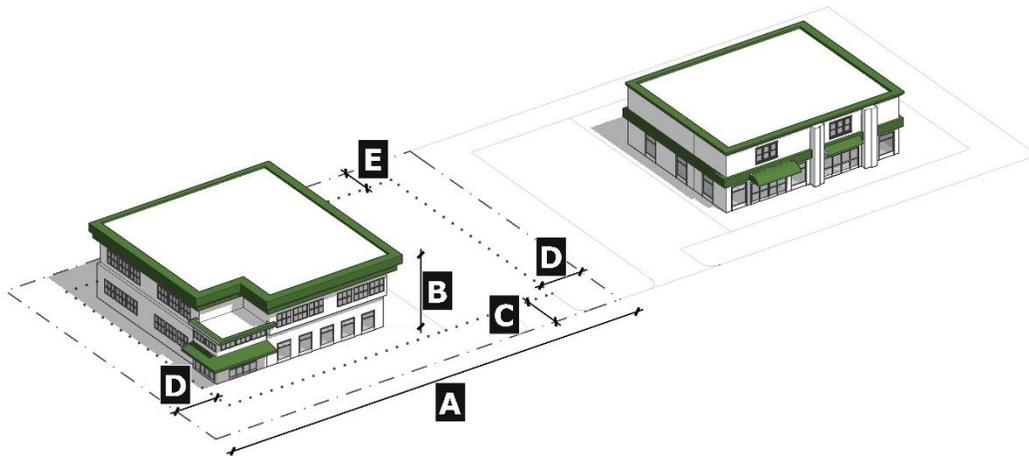
Development in the CC district shall comply with the standards in Table 3-14: CC District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-14: CC District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min	[1]	<b>Setbacks, min (ft)</b>	
<b>A</b> Lot width, min (ft)	100	<b>C</b> Front	50
<b>B</b> Height, max (stories   ft)	3   35	<b>D</b> Side	20
Lot coverage, max	70%	<b>E</b> Rear	15

*min = minimum max = maximum ft = feet*

**NOTES:**

[1] For lots that have water service from a water utility and sanitary sewer service, no minimum lot size. For lots that have water service from a water utility but do not have sanitary sewer service, minimum lot size is 10,000 square feet. For lots that do not have water service from a water utility or sanitary sewer service, minimum lot size is 20,000 square feet. Commercial uses are required to have water service from a water utility.



**(D) Development Standards**

Development in the CC district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-15: Cross-References to Other Standards.

<b>Table 3-15: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards

<b>Table 3-15: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		

**3.3.5. COR: Commercial Corridor**

**(A) Purpose and Intent**

The purpose of the COR: Commercial Corridor district is to provide lands that accommodate the highest intensity of commercial uses in the County, near incorporated areas, at interstate interchanges, and along the other highly trafficked roadways. Development is intended to be auto-oriented with design that facilitates safe pedestrian access from parking areas to uses on the site and on adjacent sites. Water and sewer service are required. A full assortment of commercial uses is allowed.

**(B) Use Standards**

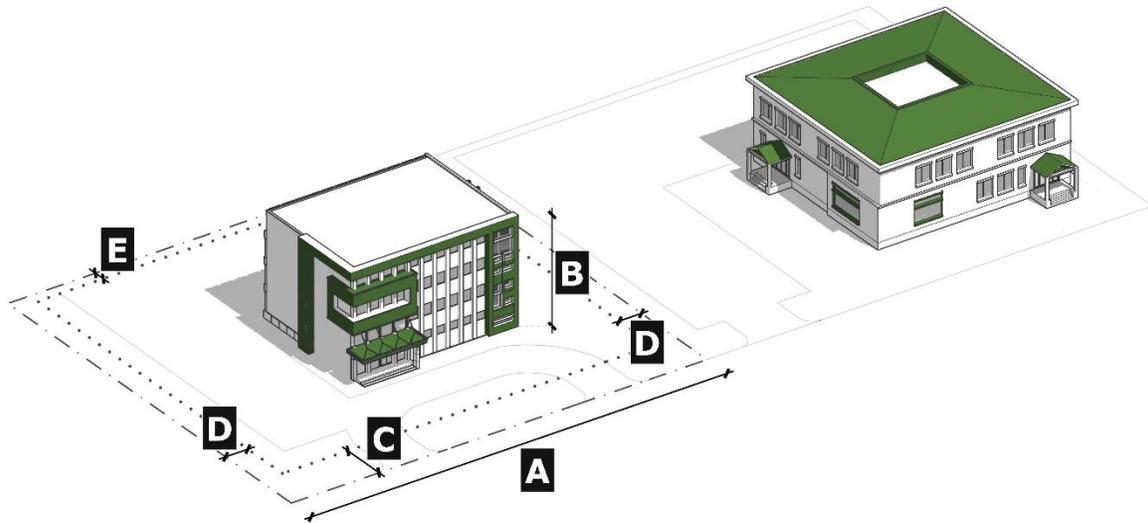
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the COR district shall comply with the standards in Table 3-16: COR District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-16: COR District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min	n/a	<b>Setbacks, min (ft)</b>	
<b>A</b> Lot width, min (ft)	100	<b>C</b> <i>Front</i>	50
<b>B</b> Height, max (stories   ft)	3   35	<b>D</b> <i>Side</i>	10
Lot coverage, max	80%	<b>E</b> <i>Rear</i>	5

*min = minimum    max = maximum    ft = feet*



**(D) Development Standards**

Development in the COR district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-17: Cross-References to Other Standards.

**Table 3-17: Cross-References to Other Standards**

Sec.	Standard	Sec.	Standard
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		

**(E) Additional Standards**

Water and sewer service is required for all uses in the COR district.

**3.3.6. IL: Industrial Light**

**(A) Purpose and Intent**

The purpose of the IL: Industrial Light district is to provide lands that accommodate office, light production and processing, wholesaling, distribution, storage, industrial services, and office uses, which are relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor, or dust, and which are generally conducted within a building. The district also accommodates limited commercial uses intended to serve the principal office and light industrial uses.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

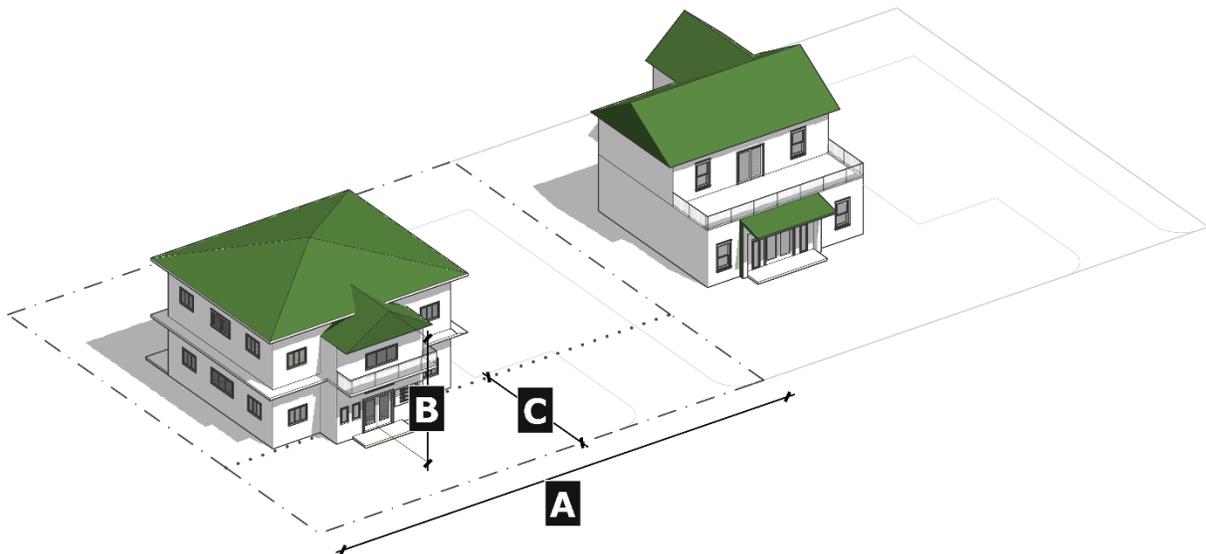
Development in the IL district shall comply with the standards in Table 3-18: IL District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-18: IL District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min	10,000	<b>Setbacks, min (ft)</b>	
<b>A</b> Lot width, min (ft)	50	<b>C</b> Front	30
<b>B</b> Height, max (stories)	[1]	Side	20
Lot coverage, max	50%	Rear	20

*min = minimum max = maximum ft = feet sf = square feet*

**NOTES:**

[1] Buildings or structures or portions of buildings or structures used, intended, or designed for general human occupancy shall have a maximum height of three stories. Buildings or structures or portions of buildings or structures that are used, intended, or designed for industrial uses that by their nature may require additional height have no maximum height.



**(D) Development Standards**

Development in the IL district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-19: Cross-References to Other Standards.

<b>Table 3-19: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		

**3.3.7. IM: Industrial Medium**

**(A) Purpose and Intent**

The purpose of the IM: Industrial Medium district is to provide lands that accommodate a variety of commercial uses and manufacturing, fabricating, and warehousing activities that have the potential to produce low to moderate levels of odor, noise, and similar adverse impacts on nearby lands. The district also accommodates limited commercial uses that primarily serve the principal industrial uses.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

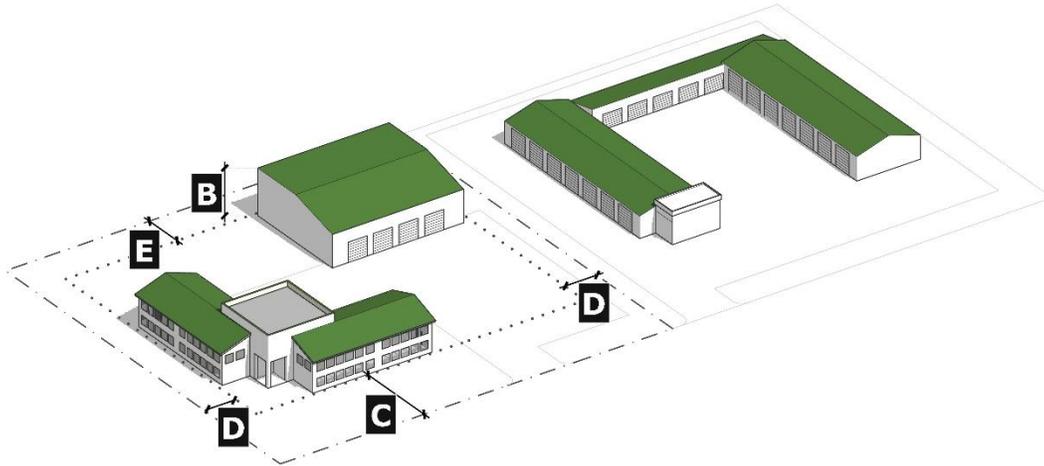
Development in the IM district shall comply with the standards in Table 3-20: IM District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-20: IM District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min	n/a	<b>Setbacks, min (ft)</b>	
Lot width, min (ft)	n/a	<b>C</b> Front	50
<b>B</b> Height, max (stories)	[1]	<b>D</b> Side	20
Lot coverage, max	50%	<b>E</b> Rear	25

*min = minimum max = maximum ft = feet*

**NOTES:**

[1] Buildings or structures or portions of buildings or structures used, intended, or designed for general human occupancy shall have a maximum height of three stories. Buildings or structures or portions of buildings or structures that are used, intended, or designed for industrial uses that by their nature may require additional height have no maximum height.



**(D) Development Standards**

Development in the IM district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-21: Cross-References to Other Standards.

**Table 3-21: Cross-References to Other Standards**

Sec.	Standard	Sec.	Standard
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		

**3.3.8. IH: Industrial Heavy**

**(A) Purpose and Intent**

The purpose of the IH: Industrial Heavy district is to provide lands that accommodate the most intense industrial development that is important to the County’s economy but may adversely impact surrounding lands, and to prevent the use of these adjacent lands for uses that are incompatible with intense industrial activities. Only a limited number of industrial uses are allowed in the district.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

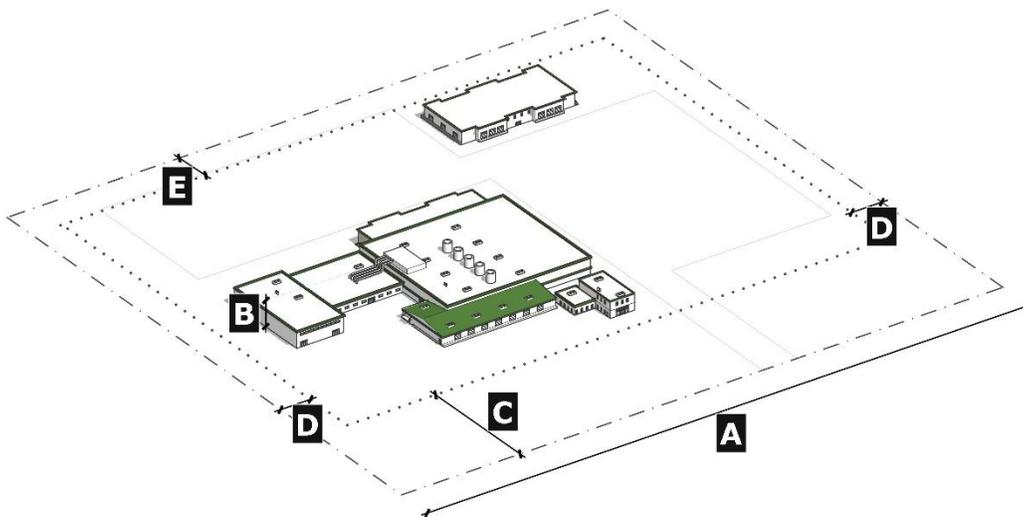
Development in the IH district shall comply with the standards in Table 3-22: IH District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

Table 3-22: IH District Intensity and Dimensional Standards			
Standard	Value	Standard	Value
	Lot area, min (acres)		5
<b>A</b>	Lot width, min (ft)	<b>C</b>	Setbacks, min (ft)
<b>B</b>	Height, max (stories)	<b>C</b>	Front
	Lot coverage, max	<b>D</b>	Side
		<b>E</b>	Rear
			200
			50
			50

*min = minimum max = maximum ft = feet*

**NOTES:**

[1] Buildings or structures or portions of buildings or structures used, intended, or designed for general human occupancy shall have a maximum height of three stories. Buildings or structures or portions of buildings or structures that are used, intended, or designed for industrial uses that by their nature may require additional height have no maximum height.



**(D) Development Standards**

Development in the IH district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-23: Cross-References to Other Standards.

<b>Table 3-23: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Neighborhood Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Multifamily and Townhouse Form and Design Standards
5.3	Landscaping Standards	5.10	Large Retail Establishment Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Sign Standards
5.5	Open Space Set-Aside Standards	5.12	Floodplain District Standards
5.6	Steep Slope Standards	5.13	Environmental Standards
5.7	Agricultural Compatibility Standards		

**(E) Additional Standards**

Lots without sanitary sewer service shall have a sewage disposal system approved by TDEC.

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## Section 3.4 Planned Development Districts

### 3.4.1. General Provisions

#### (A) General Purpose of Planned Development Districts

The purpose of Planned Development zone districts is to encourage innovative and efficient land planning, and higher quality physical design concepts. More specifically, the planned development zone districts are intended to:

- (1) Support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services;
- (2) Reduce the inflexibility of zone district standards that sometimes results from strict application of the base district regulations and development standards established in this Ordinance;
- (3) Provide greater freedom and flexibility in selecting the form and design of development, the ways by which pedestrians and vehicular traffic circulate, and how the development will be located and designed to respect the natural features of the land and protect the environment, The location and integration of open space and civic space into the development; and design amenities;
- (4) Encourage a mix of different types of land uses within the same development;
- (5) Allow more efficient use of land, with coordinated and right-sized networks of streets and utilities;
- (6) Provide pedestrian connections within the same development, and to the public right-of way;
- (7) Encourage the provision of centrally-located open space amenities within the development;
- (8) Promote development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses; and
- (9) Promote development form that respects and takes advantage of a site's natural and culturally significant features, such as rivers, lakes, wetlands, floodplains, ridges, trees, and culturally significant human-made and historic resources.

#### (B) Classification of Planned Development Zone Districts

Land shall be classified into a Planned Development zone district only in accordance with the procedures and standards in Sec. 2.5.3,Planned Development District Map Amendment, and this Section.

### 3.4.2. PD: Planned Development District

#### (A) Purpose and Intent

The purpose of the Planned Development (PD) District is to encourage integrated master planned development in locations throughout the County. Substantial flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the base zone district, and a range of residential and nonresidential uses are allowed. District standards shall support the efficient use of land and resources, protect natural features and the environment, promote greater efficiency in providing public facilities and infrastructure, and mitigate potential adverse impacts on surrounding development.

#### (B) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are identified in Article 4: Use Regulations, but only those uses established as permitted in the PD Plan are permitted in the district.

#### (C) Development Standards

Development in the PD district is subject to the standards in Article 5: Development Standards, and Section 3.1.4, General Zone District Standards, except as modified in the PD Plan and PD Agreement in accordance with subsections (E) and (F) below.

#### (D) Intensity and Dimensional Standards

Development in the PD district shall comply with the standards in Table 3-24: PD District Intensity and Dimensional Standards.

Table 3-24: PD District Intensity and Dimensional Standards			
Standard	Value	Standard	Value
PD District area, min	No minimum	<b>Setbacks, min</b>	
Density, max	[1]	Front	[2]
Lot area, min	[2]	Side	[2]
Lot width, min	[2]	Rear	[2]
Height, max	[2]	Height, max	[2]
Lot coverage, max	[2]	Lot coverage, max	[2]

*min = minimum max = maximum*

#### NOTES:

- [1] To be established in PD Plan and PD Agreement, but no greater than two times the maximum density permitted in the existing base zone district applied to the land that is requested to be rezoned.
- [2] To be established in PD Plan and PD Agreement.

#### (E) Planned Development (PD) Plan

As set forth in Sec. 2.5.3, Planned Development District Map Amendment, a Planned Development (PD) Plan is a required component in the establishment of a planned development district. The PD Plan depicts the general configuration and relationship of the principal elements of the proposed planned development district. The PD Plan shall identify the following:

- (1) The planning and development goals for the planned development district;
- (2) The principal, accessory, and temporary uses permitted in the planned development district and any standards that apply to specific uses in the district. Permitted uses are limited to those listed as allowed in a PD or PD-TND district, as identified in Table 4-1: Principal Use Table.
- (3) The general location of each development area in the planned development district, its acreage, types, and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- (4) The dimensional standards that apply in the planned development district;
- (5) Where relevant, the standards and requirements that ensure development on the perimeter of the planned development district is designed and located to be compatible with the

character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;

- (6) The on-site pedestrian circulation system and how it will connect to off-site pedestrian systems, as applicable, consistent with the requirements of this Ordinance and the Subdivision Regulations;
- (7) The general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways and trails), and connect to existing and planned County and municipal systems, consistent with the requirements of this Ordinance and the Subdivision Regulations;
- (8) The general location of on-site potable water facilities and how they will connect to existing water utilities, consistent with the requirements of this Ordinance and the Subdivision Regulations;
- (9) The general location of on-site wastewater facilities, as applicable, including the general location of septic fields, soils areas, or package plants, and how they will connect to any publicly available sanitary sewer service, consistent with the requirements of this Ordinance and the Subdivision Regulations;
- (10) The location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and measures to ensure protection of these lands consistent with the requirements of this Section and this Ordinance;
- (11) The general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD district;
- (12) The general location of on-site storm drainage facilities, and how they will connect to existing and planned County and municipal systems, consistent with the requirements of this Ordinance and the Subdivision Regulations;
- (13) The general location and layout of all other on-site and off-site public facilities serving the development, including but not limited to, parks, schools, and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;
- (14) The ways in which the land will be subdivided, and public improvements installed, consistent with the requirements of the Subdivision Regulations.
- (15) The ways in which transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development; and
- (16) Any modifications that will be applied to the development standards in this Ordinance, in accordance with Table 3-25: Development Standards That May Be Modified. Each such modification shall be documented in the PD Plan and the PD Agreement, with a clear basis for why the change is needed, how it supports the purpose of the planned development district, and how it supports high-quality development.

**Table 3-25: Development Standards That May Be Modified**

Standard		Means to Modify
Section 5.1	Access and Connectivity Standards	PD Plan and PD Agreement
Section 5.2	Off-Street Parking and Loading Standards	PD Plan and PD Agreement
Section 5.3	Landscaping Standards	PD Plan and PD Agreement
Section 5.4	Exterior Lighting Standards	PD Plan and PD Agreement
Section 5.5	Open Space Set-Aside Standards	Modification prohibited
Section 5.6	Steep Slope Standards	Modification prohibited
Section 5.7	Agricultural Compatibility Standards	PD Plan and PD Agreement
Section 5.8	Neighborhood Compatibility Standards	PD Plan and PD Agreement

<b>Table 3-25: Development Standards That May Be Modified</b>		
<b>Standard</b>		<b>Means to Modify</b>
Section 5.9	Multifamily and Townhouse Form and Design Standards	PD Plan and PD Agreement
Section 5.10	Large Retail Establishment Form and Design Standards	PD Plan and PD Agreement
Section 5.11	Sign Standards	PD Plan and PD Agreement
Section 5.12	Floodplain District Standards	Modification prohibited
Section 5.13	Environmental Standards	Modification prohibited
	Subdivision Regulations	PD Plan and PD Agreement

(17) If development in a planned development district is proposed to be phased, a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided, and how development will be coordinated with the County’s and state’s capital improvements programs, and how environmentally sensitive lands will be protected and monitored.

(18) If applicable, a conversion schedule that identifies the extent to which one use may be converted to another type of use, and any applicable criteria.

**(F) Planned Development (PD) Agreement**

(1) A Planned Development (PD) Agreement is also a key component in the establishment of a planned development district. The PD Agreement includes all terms and conditions relating to the approval of the district, including monitoring rules, phasing rules (where applicable), requirements for how mitigation will occur, and how public facilities will be coordinated. A PD Agreement shall include, but not be limited to:

- (a) Conditions related to approval of the application for the individual PD district classification;
- (b) Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;
- (c) Provisions addressing how public facilities (pedestrian and bicycle, other transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:
  - 1. Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable County, state, and federal regulations; and
  - 2. The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable County, state, and federal regulations.
- (d) Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);
- (e) Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual PD zone district;
- (f) Any other provisions the County determines are relevant and necessary to the development of the Planned Development district.

(2) All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

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## Section 3.5 Overlay Districts

### 3.5.1. General Provisions

#### (A) Purpose

The purpose of overlay districts is to provide supplemental standards with respect to special areas, land uses, or environmental features that are in addition to, or in some cases take the place of, the standards of the underlying base district or planned development district.

#### (B) Relation to Other District Standards

- (1) The overlay district requirements in this Section shall be applied in addition to all applicable base district or planned development district requirements. Where there is a conflict between an overlay district standard and a standard otherwise applicable in the underlying base or planned development district, the overlay district standard shall control, unless specifically stated to the contrary in this Ordinance.
- (2) Where land falls within two or more overlay district boundaries, the standards of each of the overlay districts apply. If there is a conflict between the applicable overlay district standards, the more restrictive standard shall control. The more restrictive standard is the one that imposes greater restrictions or burdens or has more stringent controls.

#### (C) Established Overlay District

The overlay districts established by this Ordinance are the FP-O Floodplain Overlay district, defined in Section 3.5.2, FP-O: Floodplain Overlay District, and the SW-O: Solid Waste Overlay district, defined in Section 3.5.3, SW-O: Solid Waste Overlay District.

### 3.5.2. FP-O: Floodplain Overlay District

#### (A) Purpose

The purpose of the FP-O: Floodplain Overlay district is to identify lands within Special Flood Hazard Areas or Special Hazard Areas (as defined in Sec. 5.12.7, Definitions, Floodplain Definitions), that are subject to the regulations in Section 5.12, Floodplain District Standards.

#### (B) Standards

The regulations in Section 5.12, Floodplain District Standards, apply to lands within the FP-O district.

### 3.5.3. SW-O: Solid Waste Overlay District

#### (A) Purpose

The purpose of the SW-O: Solid Waste Overlay district is to provide locations where private landfills can locate subject to standards to help mitigate negative impacts on surrounding properties and sensitive environmental features.

#### (B) Standards

Dimensional and development standards that apply in the SW-O district are identified in the use-specific standards for the uses permitted in the SW-O district in Table 4-1: Principal Use Table and Sec. 4.2.4, Standards Specific to Principal Uses.

# Article 4: Use Regulations

## Commentary on Draft:

**Article 4: Use Regulations**, consolidates regulations for principal, accessory, and temporary uses. It includes use tables that identify which uses are allowed in what zone districts. It also includes general standards that apply to all uses of a certain category, and use-specific standards that apply to particular uses (sometimes in particular districts)

**Section 4.1, General Provisions**, provides an overview of the article.

**Section 4.2, Principal Uses**, consolidates, reorganizes, and refines the multiple lists of permitted uses in the current Zoning Resolution. Certain uses are consolidated, other uses added, and a new three-tiered organization implemented. All uses are defined, including uses carried forward from the current Zoning Resolution. The revised use table lists principal uses and indicate whether they are permitted by right, require a special exception, are allowed in planned development districts, or are prohibited. The table also includes references to use-specific standards applicable to specific uses. This section also consolidates and organizes standards that apply to specific principal uses.

**Section 4.3, Accessory Uses and Structures**, consolidates and enhances the existing accessory use and structure regulations. It includes use tables for accessory uses and structures organized in a similar manner as the principal use tables, provides general standards for all accessory uses and structures, and standards, and describes standards that apply to specific accessory uses and structures.

**Section 4.4, Temporary Uses and Structures**, consolidates the existing regulations for temporary uses and structures and adds new temporary uses and structures and corresponding standards. It includes a use table that identifies temporary uses and structures and the zone districts where they are allowed, allowed with a temporary use permit, and prohibited. It also includes general standards for all temporary uses and structures, and standards that apply to specific temporary uses and structures.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 4.1 Organization of Article

This article is organized into three sections:

- 4.1.1. Section 4.2, Principal Uses, identifies the principal uses of land that are allowed in the various zone districts and the type of permit or review, if any, required to establish them. It also establishes special standards applicable to particular principal uses.
- 4.1.2. Section 4.3, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses in the various zone districts and the type of permit or review, if any, required to establish them. It also establishes general standards applicable to all accessory uses and structures, and special standards applicable to particular accessory uses and structures.
- 4.1.3. Section 4.4, Temporary Uses and Structures, identifies land uses or structures allowed on a temporary basis, establishes general standards applicable to all temporary uses and structures, and special standards that apply to particular temporary uses and structures.

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## Section 4.2 Principal Uses

### 4.2.1. General

Table 4-1: Principal Use Table, identifies principal uses of land and specifies whether they are allowed by right, allowed subject to approval of a special exception permit, or prohibited within each zone district. It also references use-specific standards in Section 4.2.4, Standards Specific to Principal Uses, that are applicable to specific uses.

### 4.2.2. Classification of Principal Uses

#### (A) Purpose

This section is intended to provide a framework for identifying, describing, categorizing, consolidating, and distinguishing uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a use listed as an allowable principal use in the use table in Table 4-1: Principal Use Table, or is subject to other use-specific provisions in this Ordinance.

#### (B) Structure of Principal Use Classification System

The following three-tiered hierarchy of use classifications, use categories, and use types is used to organize allowable uses in Table 4-1: Principal Use Table, and the use-specific standards in Section 4.2.4, Standards Specific to Principal Uses.

##### (1) Use Classifications

Use Classifications are very broad and general (e.g., Residential Uses, Civic/Institutional Uses, Commercial Uses, and Industrial Uses). Use classifications are defined in Section 8.4, Principal Use Classification and Definitions.

##### (2) Use Categories

Use Categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial Uses classification is divided into multiple use categories, like Lodging and Retail Sales and Services. Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions—i.e., those uses that might appear to fall within the use category, but are included in another use category. Use categories are defined in Section 8.4, Principal Use Classification and Definitions.

##### (3) Use Types

Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, car wash and light vehicle sales are use types within the Vehicle-Related Uses category. Use types are defined in Section 8.5, Definitions.

### 4.2.3. Principal Use Table

#### (A) Organization and Applicability

Table 4-1: Principal Use Table, organizes allowable uses by use classifications, use categories, and use types as described in Section 4.2.2 above. The use table provides a systematic basis for identifying and consolidating uses. Definitions of the principal use classifications and use categories are included in Section 8.4, Principal Use Classification and Definitions. Definitions of use types are included in Section 8.5, Definitions.

#### (B) Explanation of Table and Abbreviations

For each listed use type in Table 4-1: Principal Use Table, the first column of each row identifies the name of the use type. The entries in the cells formed by the intersection of a zone district

column labeled across the top and a use type row indicate whether a use is permitted in a particular zone district, as follows:

**(1) Principal Uses Permitted By-Right**

- (a) "P" in a cell other than a PD district column indicates that the use is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
- (b) "A" in a cell in a PD district column means that the use is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.4.2(E), Planned Development (PD) Plan, and Section 3.4.2(F), Planned Development (PD) Agreement.

**(2) Principal Uses Permitted as a Special Exception**

"S" in a cell indicates that the use is allowed in the zone district upon approval of a special exception permit in accordance with Sec. 2.5.4, Special Exception Permit. Uses requiring a special exception permit are subject to all other applicable requirements of this Ordinance.

**(3) Principal Uses Only Permitted in Solid Waste Overlay District**

"W" in a cell indicates that the use is allowed in a zone district only on land that also is within the SW-O: Solid Waste Overlay district, subject to any use-specific standards referenced in the right-most column in that row.

**(4) Prohibited Uses**

A blank cell indicates that the use is prohibited in the zone district.

**(5) Use-Specific Standards**

A particular use may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.2.4, Standards Specific to Principal Uses, that apply to the use listed in the left-most column.

**(C) Unlisted Uses**

The Director shall determine whether or not any use not explicitly listed in Table 4-1: Principal Use Table, is part of an existing use category or use type in accordance with Sec. 8.2.9, Interpretation of Unlisted Uses.

**(D) Principal Use Table**

The principal use table is established in Table 4-1: Principal Use Table.

<b>Table 4-1: Principal Use Table</b>													
P = Permitted      A = Allowed in PD      S = Special Exception W = Permitted Only In SW-O District      Blank = Not Permitted													
Use Category/Type	Zone Districts												Use-Specific Standards
	Residential				Commercial				PD				
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD	
<b>Agriculture</b>													
<b>Agricultural Cultivation</b>													
Agricultural operation	P	P	P	P	P	P	P	P	P	P	P	A	
Family subdivision	P												4.2.4(A)(1)
Forestry	P	P	P	P	P	P	P	P	P	P	P	A	
Nursery	P	P	P	P	P	P	P	P	P	P	P	A	
Tree farm	P	P	P	P	P	P	P	P	P	P	P	A	

<b>Table 4-1: Principal Use Table</b>													
		<b>P = Permitted</b>				<b>A = Allowed in PD</b>				<b>S = Special Exception</b>			
		<b>W = Permitted Only In SW-O District</b>				<b>Blank = Not Permitted</b>							
<b>Use Category/Type</b>	<b>Zone Districts</b>												<b>Use-Specific Standards</b>
	<b>Residential</b>				<b>Commercial</b>						<b>PD</b>		
	<b>AP</b>	<b>RR</b>	<b>RG</b>	<b>RN</b>	<b>CRC</b>	<b>CN</b>	<b>CC</b>	<b>COR</b>	<b>IL</b>	<b>IM</b>	<b>IH</b>	<b>PD</b>	
<b>Agriculture Support and Services, Directly Related</b>													
Agri-education or agri-tourism	P	P	P	P	P	P	P	P	P	P	P	P	A
Auction barn and livestock storage											P		A
Equestrian facility	P												A
Farm winery	P	P	P	P	P	P	P	P	P	P	P	P	A
Roadside agriculture sales	P	P	P	P	P	P	P	P	P	P	P	P	A
<b>Agriculture Support and Services, Not Directly Related</b>													
Agricultural distribution hub							P	P					A
Agricultural processing									P	P	P		A
<b>Animal Agriculture</b>													
Commercial feed lot											P		A
<b>Residential</b>													
<b>Household Living</b>													
Dwelling, single-family detached	P	P	P	P	P								A
Dwelling, townhouse			P	P	P	P							A
Dwelling, two-family (duplex)		P	P	P	P								A
Dwelling, mobile home	P	P	P	S	P								A
Dwelling, multifamily						P							A
Mobile home park							S						A
<b>Group Living</b>													
Assisted living facility					P		P	P					A
Group home	P	P	P	P	P	P							A
Retirement community			S	S									A
Retirement facility					P	S							A
Rooming house					P	P							A
<b>Civic and Institutional</b>													
<b>Community and Cultural Facilities</b>													
Child care center					P	P	P	P	P	S	S		A
Community center	S		P	S	P	P							A
Conference center							P	P		S			A
Cultural institution					P	P	P	P		S			A
Event venue	S		S	S			P	P	S	S			A
Government facility		P	P	P	P	P	P	P	P	P	P		A
Place of assembly	P	P	P	P	S	P	P	P	P	P	P		A
Public safety facility	P	P	P	P	P	P	P	P	P	P	P		A
Religious facility	P	P	P	P		P	P	P	P	P	P		A
Zoo					P	P	P	P		S			A
<b>Educational Facilities</b>													
College or university					S			S	S				A
School, k-12		S	P	P	P		P	P	P	S			A
School, vocational		P	S	S	P		P	P	P	S			A

<b>Table 4-1: Principal Use Table</b>														
P = Permitted      A = Allowed in PD      S = Special Exception W = Permitted Only In SW-O District      Blank = Not Permitted														
Use Category/Type	Zone Districts												PD	Use-Specific Standards
	Residential				Commercial						PD			
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM		IH		
<b>Funeral Services</b>														
Crematory												P	A	
Funeral home					S			P	P				A	
<b>Health Care Services</b>														
Hospital										P	P		A	4.2.4(C)(7)
Medical or dental office or clinic					P	P	P	P	P	P			A	
Nursing home					P			P	P				A	
Rehabilitation center										P	P		A	4.2.4(C)(8)
<b>Parks and Open Areas</b>														
Cemetery	P	S	S	S	S	S	S	S	S				A	4.2.4(C)(9)
Community garden		P	P	P	P	P	P	P	P				A	
Country club		S	S	S	S			P		S			A	
Public park	P	P	P	P	P	P	P	P	P	P	P		A	
<b>Transportation and Utility Facilities</b>														
Airport, Landing Strip, and Heliport, Private													A	4.2.4(C)(10)
Airport, Landing Strip, and Heliport, Public											S		A	4.2.4(C)(10)
Communications tower and equipment	P	P	P	P	P	P	P	P	P	P	P		A	4.2.4(C)(11)
Decentralized wastewater treatment and disposal system	P	P	P	P	P	P	P	P	P	P	P		A	4.2.4(C)(12)
Parking facility					P	P	P	P	P	P	P		A	
Solar energy conversion system, large-scale	S									P	P	P	A	4.2.4(C)(13)
Utility, major											P	P	A	4.2.4(C)(14)
Utility, minor	P	P	P	P	P	P	P	P	P	P	P		A	
Wind energy facility, large	S	S									P	P	A	4.2.4(C)(15)
<b>Commercial</b>														
<b>Adult Business</b>														
Adult-oriented establishment									S			S	A	4.2.4(D)(1)
<b>Animal Care Uses</b>														
Animal grooming	S	S	S	S	P	P	P	P					A	
Animal kennel, small	S	S			P			P	P				A	4.2.4(D)(2)
Animal kennel, large	S	S							P	P			A	4.2.4(D)(3)
Veterinary hospital		S			S			P	P	P			A	
<b>Food and Beverage Services</b>														
Bar or tavern						P	P	P	P	P			A	4.2.4(D)(4)
Restaurant, drive-in					P	P	P	P	P	P			A	
Restaurant, sit-down					P	P	P	P	P	P			A	
<b>Lodging</b>														
Bed and breakfast homestay	P	S	S										A	4.2.4(D)(5)
Campground					S								A	
Hotel and motel								P	P	P			A	
Travel trailer park					S								A	4.2.4(D)(6)

<b>Table 4-1: Principal Use Table</b>													
P = Permitted      A = Allowed in PD      S = Special Exception W = Permitted Only In SW-O District      Blank = Not Permitted													
Use Category/Type	Zone Districts												Use-Specific Standards
	Residential				Commercial						PD		
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD	
<b>Office</b>													
Contractor's yard							P	P	P	P		A	
Data center							P	P	P	P		A	
General office					P	P	P	P	P	S		A	
Research and development							P	P	P	P		A	
<b>Recreation and Entertainment</b>													
Amphitheater							S	S				A	4.2.4(D)(7)
Athletic Facility							P	P				A	4.2.4(D)(8)
Recreation, indoor					P	P	P	P	S	S	S	A	
Recreation, outdoor	S						P	P	S	S	S	A	
Sports stadium and arena								P				A	4.2.4(D)(9)
Stables	P	S	S	S								A	
Theater							P	P				A	
<b>Retail Sales and Services</b>													
Agricultural equipment sales, rental, and service							P	P		P	P	A	
Bank and financial institution					P	P	P	P	P	S		A	
Convenience store					P	P	P	P	P	S	S	A	
Liquor store							P	S				A	
Massage therapy establishment					P	P	P	P	P			A	
Personal repair establishment					P	P	P	P	P	S		A	
Personal services establishment					P	P	P	P	P	S		A	
Retail sales establishment, small					P	P	P	P	P	S	S	A	
Retail sales establishment, medium							P	P	P	S		A	
Retail sales establishment, large							S	P	S	S		A	
<b>Vehicle-Related Uses</b>													
Car wash					P		P	P	P			A	
Fleet fuel depot										P	P	A	4.2.4(D)(10)
Gas station					P		P	P	S			A	4.2.4(D)(11)
Light vehicle rental							P	P	P			A	
Light vehicle repair					S		P	P	P			A	4.2.4(D)(12)
Light vehicle sales								P	P			A	
Travel trailer rental					P		P	P	P			A	
<b>Industrial</b>													
<b>Extraction</b>													
Rock Quarries and Mining								S	S			A	4.2.4(E)(1)
<b>Manufacturing and Processing</b>													
Brewery									S	S	P	A	4.2.4(E)(2)
Distillery									S	S	P	A	4.2.4(E)(2)
Manufacturing, artisanal	S	S	S	S	S	S	P	P	P	P	P	A	
Manufacturing, heavy											P	A	
Manufacturing, light									P	P	P	A	
Slaughterhouse											P	A	
Small-scale meat processing facility	S	S										A	4.2.4(E)(3)

<b>Table 4-1: Principal Use Table</b>													
	<b>P = Permitted</b>				<b>A = Allowed in PD</b>				<b>S = Special Exception</b>				
	<b>W = Permitted Only In SW-O District</b>				<b>Blank = Not Permitted</b>								
<b>Use Category/Type</b>	<b>Zone Districts</b>												<b>Use-Specific Standards</b>
	<b>Residential</b>				<b>Commercial</b>						<b>PD</b>		
	<b>AP</b>	<b>RR</b>	<b>RG</b>	<b>RN</b>	<b>CRC</b>	<b>CN</b>	<b>CC</b>	<b>COR</b>	<b>IL</b>	<b>IM</b>	<b>IH</b>	<b>PD</b>	
Winery							P	P	S	S	P	A	4.2.4(E)(2)
<b>Freight and Warehousing</b>													
Cold storage plant										P	P	A	
Junk or salvage yard							S				S	A	4.2.4(E)(4)
Self-service storage							P	P	S	S	S	A	4.2.4(E)(5)
Truck terminal										P	P	A	
Warehouse							S			P	S	A	
<b>Waste-Related Uses</b>													
Construction and demolition landfill, private										W	W	W	4.2.4(E)(6)
Construction and demolition landfill, public.										P	P	P	
Recycling facility, private										W	W	W	4.2.4(E)(7)
Recycling facility, public					P	P	P	P	P	P	P	A	
Sanitary landfill, private										W	W	W	4.2.4(E)(8)
Sanitary landfill, public										P	P	P	
Transfer station, private										W	W	W	4.2.4(E)(9)
Transfer station, public										P	P	P	
Waste composting facility										S	S	A	
Waste processing or recycling recovery facility, private										W	W	W	4.2.4(E)(10)
Waste processing or recycling recovery facility, public										P	P	P	A
<b>Wholesale Sales</b>													
Auction yard										P	P	A	
Wholesale sales							S			S		A	

**4.2.4. Standards Specific to Principal Uses**

**(A) Agriculture Uses**

**(1) Family Subdivision**

Family subdivisions shall comply with the following:

- (a) The minimum lot size shall be one-half (1/2) acre.
- (b) The minimum lot width shall be 130 feet.
- (c) The minimum setbacks shall be:
  - 1. Front setback: 30 feet
  - 2. Side setback: 10 feet
  - 3. Rear setback: 30 feet
- (d) Lots shall take access from a public road or from an easement with a width of at least 50 feet. Such an easement shall not provide access to more than five lots, including the lot or lots created via the Family Subdivision.
- (e) The number of Family Subdivision lots that may be created are based upon the size of the parcel in accordance with Table 4-2: Number of Family Subdivision Lots Allowed.

<b>Table 4-2: Number of Family Subdivision Lots Allowed</b>	
<b>Size of Parcel to Be Divided</b>	<b>Number of Additional Lots Allowed in Family Subdivision</b>
At least 15 but less than 25 acres	4
At least 25 but less than 50 acres	5
50 acres or greater	6

- (f) Both the owner creating the parcel for an immediate family member and the immediate family member receiving the property shall sign an affidavit on a form generated by the County certifying that the subdivision meets the criteria of this section.
- (g) The owner of any lot created via a family subdivision shall place a restrictive covenant on the property to prohibit its transfer to a not-immediate family member for a period of 15 years following the subdivision, unless the lot is subject to an involuntary transfer such as foreclosure, death, judicial sale, condemnation, or bankruptcy.
- (h) The parent parcel shall maintain a minimum size of 15 acres.

**(2) Equestrian Facility**

An equestrian facility shall comply with the following standards:

- (a) The minimum lot size is 15 acres.
- (b) The use shall include one inside stall for every two animals kept overnight.
- (c) The following minimum setbacks shall be provided:
  1. Outdoor corrals, riding areas, piles of manure, feed, and bedding shall be set back at least 100 feet from the property lines.
  2. All roofed structures shall be set back at least 150 feet from the property lines.
  3. Run-in sheds shall be set back a minimum of 15 feet from the side and rear property lines and 50 feet from the front property line.
  4. Pastures may extend to any property line.
- (d) Equestrian facilities shall comply with the Storm Water and Drainage requirements in the Subdivision Regulations and this Ordinance.
- (e) All buildings shall comply with the applicable building code.

**(3) Farm Winery**

A farm winery shall comply with the following standards:

**(a) General Standards**

- 1. Compliance with Applicable Standards**  
The use and all buildings and structures must comply with the applicable building code and permitting requirements.
- 2. Restroom Facilities**  
Permanent restroom facilities shall be provided to accommodate the maximum number of simultaneous employees, nonemployees, and visitors anticipated on the site.
- 3. Minimum Lot Size**  
The minimum lot size is 15 acres. Multiple contiguous parcels shall be consolidated, in accordance with the Subdivision Regulations, into a single parcel that complies with the minimum lot size before the use may occur.
- 4. Floor Area Limitations**
  - i. The floor area of all buildings used for processing, bottling, tasting, sales, storage of the finished product produced on the site, and office space shall not exceed 25,000 square feet.

- ii. The floor area of tasting rooms and sales permitted in accordance with subsection 1.1.1(A)(1)(a) below shall not exceed 4,000 square feet.

**(b) Setback and Buffer Requirements**

All buildings, parking lots, and areas used for activities shall be set back from adjoining property lines in accordance with Table 4-3: Setback Requirements for Farm Winery Uses, based on the zone district in which the use is located and the zone district of adjoining property.

<b>Table 4-3: Setback Requirements for Farm Winery Uses</b>		
<b>Adjoining District</b>	<b>Zone District in Which Use Is Located</b>	
	AF, RR, RG, PD-TND Districts, and PD Districts with Only Residential Uses	RC, CN, CR, COR, O, M, IH Districts, and PD Districts with Non-Residential Uses
AF, RR, RG, PD-TND Districts, PD Districts with Only Residential Uses	400	400
RC, CN, CR, COR, O, M, IH Districts, PD Districts with Non-Residential Uses	200	Setback standards of zone district in which use is located

**(4) Roadside Agriculture Sales**

- (a) Only agriculture or forestry products produced on the premises may be sold.
- (b) The stand shall not be located in a public right-of-way and shall be at least 35 feet from the edge of pavement of the adjoining street.

**(B) Residential Uses**

**(1) Dwelling, Mobile Home**

The following standards apply to all mobile homes:

- (a) A permit shall be obtained from the Director before a mobile home may be installed.
- (b) The manufacturer’s date shall be no more than 15 years before the date the mobile home permit is issued or the home is installed.
- (c) Front and back porches shall have a landing and steps that meet the building code in effect at the time of permitting or placement.
- (d) The tongue of the mobile home must be removed.
- (e) The Director shall approve skirting or foundation installations.

**(2) Mobile Home Park**

**(a) Minimum Size**

The lot shall be at least two acres in size and able to contain at least ten mobile home spaces.

**(b) Dimensional Standards**

The mobile home park and each mobile home space in the mobile home park shall comply with the dimensional standards in Table 4-4: Mobile Home Park Dimensional Standards.

<b>Table 4-4: Mobile Home Park Dimensional Standards</b>			
<b>Mobile Home Park</b>		<b>Mobile Home Space</b>	
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
<b>Setbacks, min (ft) [1]</b>		<b>Lot area, min (sf)</b>	
<i>Front</i>	50	<i>Single-wide mobile home</i>	3,600
<i>Side</i>	30	<i>Double-wide mobile home</i>	6,000
<i>Rear</i>	30	Lot width, min (ft)	36
Height, max (stories   ft)	2   25	Setback, front (ft)	10

<b>Table 4-4: Mobile Home Park Dimensional Standards</b>			
<b>Mobile Home Park</b>		<b>Mobile Home Space</b>	
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
		Setback, other	[2]

*min = minimum max = maximum ft = feet sf = square feet*

**NOTES:**

- [1] Required mobile home park setbacks do not include areas reserved for setbacks in each individual mobile home space.
- [2] There shall be at least 15 feet separation between mobile homes placed end-to-end, and at least 20 feet between mobile homes in any other configuration. In addition, there shall be at least 20 feet separation between a mobile home and any other building within the mobile home park.

**(c) Required Improvements**

1. Streets within the mobile home park shall be paved and at least 24 feet in width, in accordance with the procedures and standards for minor residential streets in the Subdivision Regulations. The street right-of-way shall be no wider than necessary to accommodate the road surface and necessary drainage facilities. All streets within the mobile home park shall be private streets and shall not be accepted as public streets.
2. The park shall be served with utility systems adequate for fire protection and the removal of liquid waste via a central sewage collection and treatment facility.
3. The mobile home park, including each mobile home space, shall be properly graded with a positive drainage flow away from buildings on the site.

**(d) Mobile Home Space Standards**

Each mobile home space shall:

1. Include a paved patio at least 200 square feet in area;
2. Include a pad at least 12 feet by 50 feet in area constructed of compacted gravel at least four inches in depth;
3. Be clearly delineated using permanent markings;
4. Include properly installed ground anchors that permit mobile homes to be tied down;
5. Abut and have access to a private street within the mobile home park; and
6. Be provided with a connection to a sanitary sewer line.

**(e) Additional Standards**

1. Cabanas, travel trailers, and similar enclosed structures are prohibited.
2. Except for one mobile home that is used as a rental or management offices, mobile homes in a mobile home park shall not be used for any nonresidential principal uses.
3. Any central refuse disposal area shall be maintained to meet County health requirements and shall be screened from view.
4. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures and shall comply with all applicable codes.
5. On each street frontage, a mobile home park may provide one sign with no more than 20 square feet of sign area. The sign may be illuminated by indirect lighting only.

**(3) Assisted Living Facility**

- (a)** An assisted living facility shall be licensed by the state in accordance with Tenn. Comp. R. & Regs. 1200-08-25-.03.

- (b) Before a site plan for an assisted living facility may be approved, the applicant shall provide a letter from the water utility which states that water service is available at the site for the proposed design capacity.
- (c) If not on a sanitary sewer system, the assisted living facility shall use an on-site wastewater disposal system approved by TDEC, and the applicant shall provide the County with the TDEC approval which states the capacity of the approved system.

**(4) Retirement Community**

A retirement community shall comply with the following:

**(a) Major Site Plan Approval Required**

A retirement community shall require major site plan approval from the Planning Commission, in accordance with Sec. 2.5.5, Site Plan (Minor or Major).

**(b) Dimensional and Density Standards**

1. A retirement community shall be on a lot at least 25 acres in size.
2. The maximum density of a retirement community is six-and-a-half (6.5) dwelling units per acre. For purposes of this paragraph, each bed in a skilled nursing facility shall be counted as one dwelling unit in the density calculation.
3. Principal buildings shall be set back a minimum of 100 feet from all property lines and 20 feet from all internal street rights-of-way.
4. There shall be a minimum distance of 25 feet between all principal buildings unless they are connected by covered or enclosed walkways.

**(c) Permitted Residential Uses**

The following residential and health care services uses are permitted within the retirement community:

1. Single-family detached dwellings;
2. Multifamily dwellings;
3. Congregate independent living centers;
4. Congregate assisted living centers; and
5. Nursing homes.

**(d) Permitted Nonresidential Uses**

The following nonresidential uses are permitted within the retirement community, provided that each such use is limited to a maximum interior gross floor area of 2,500 feet and is located within one of the principal residential buildings in the retirement community:

1. Day care centers for adults;
2. Personal service establishments; and
3. Specialty eating or drinking establishments.

**(e) Additional Standards**

1. Services, activities, programs, and accessory uses incidental to the operation of a retirement community may be provided on-site. These uses could include, but are not limited to social services, food services, exercise programs, and home health programs.
2. Ownership of property in a retirement community shall remain with a single entity that shall be responsible for the operation and maintenance of all the facilities, residences, and grounds. The fee ownership of individual residences and units and the subdivision of property into individual lots or through a condominium ownership are prohibited. The legal framework to ensure compliance with the requirements of this subsection 2 is subject to the review by the County Attorney and approval by the Planning Commission prior to the issuance of any Building Permit.

3. It is intended that retirement communities provide a continuum of housing alternatives geared to the physical condition and special needs of its intended population. All retirement communities shall contain a single-family and/or multi-family component as well as one or more of the following residential use types: congregate independent living center, congregate assisted living center, and skilled nursing facility.
4. The initial phase of construction of a retirement community must include the core central service facilities, including but not limited to those listed in subsection (d) above.
5. All residential use types within the retirement community shall be interconnected and accessible to one another via a system of sidewalks and other pedestrian paths at least six feet in width.
6. Any main collector roads within a retirement community that connect communal use areas shall contain sidewalks or other off-street walking paths.
7. Where a retirement community is designed to accommodate motorized carts such as golf carts (e.g., through the development of travel trails or designated lanes along roads, the following standards shall apply:
  - i. Parking spaces designated for motorized carts shall have minimum dimensions of six feet wide by ten feet long.
  - ii. For commercial or recreational uses that require parking in accordance with Section 5.2, Off-Street Parking and Loading Standards, up to ten percent of the required number of parking spaces may be designated for motorized carts.
  - iii. Any paths that are to be used for motorized carts shall have a minimum width of eight feet.

**(f) Accessibility and Safety Standards**

1. All facilities within the retirement community shall be handicapped-accessible, and all doorways shall have a minimum width of 36 inches.
2. Grab bars and non-skid flooring shall be provided in kitchens and bathrooms of all dwelling units.
3. All units two or more stories in height shall be required to have elevator systems.
4. All units and activity areas shall be provided with automatic sprinkler systems in accordance with the applicable fire safety standards.

**(g) Open Space**

Open space shall be provided in accordance with Section 5.5, Open Space Set-Aside Standards.

**(C) Civic and Institutional Uses**

**(1) Child Care Center**

- (a) A child care center shall be licensed by the state in accordance with Tenn. Comp. R. & Regs. 240-04-01-.03, and comply with the following standards:
  1. An applicant shall obtain a license to operate the facility from any required Local, State, or Federal authority including, but not limited to, the Tennessee Department of Human Services.
  2. All play areas shall be licensed by the state and fenced and buffered in accordance with Section 5.3, Landscaping Standards.
  3. All refuse shall be contained in completely enclosed facilities and located to the rear of the building.

**(2) Event Venue**

**(a) Minimum Lot Size**

The minimum lot size for an event venue shall be 15 acres. Multiple contiguous parcels shall be consolidated into a single parcel that complies with the minimum lot size before the use may occur.

**(b) Design and Development Standards**

1. The event venue shall have frontage along a public road that provides access without use of private easements across other property.
2. The access road to the event venue shall be a federal, state, or county road. If the access road is a county road, the county road shall:
  - i. Be included on the County Road list approved by the County Commission;
  - ii. Have a paved surface at least 24 feet in width; and
  - iii. Be paved with asphalt, bituminous surface treatment, or concrete; gravel roads are prohibited.
3. Access to and egress from the event venue shall not direct traffic through a residential neighborhood.
4. If the event venue is located on a property with an existing structure or residence, an additional address shall be assigned to the event venue for E-911 purposes.
5. Permanent restroom facilities shall be provided to accommodate the maximum number of simultaneous employees, nonemployees, and visitors anticipated on the site.

**(c) Setback and Buffer Requirements**

All buildings, parking lots, and areas used for activities shall be set back from adjoining property lines in accordance with Table 4-5: Setback Requirements for Event Venues, based on the zone district in which the use is located and the zone district in which adjoining property is located.

<b>Table 4-5: Setback Requirements for Event Venues</b>		
<b>Adjoining District</b>	<b>Zone District in Which Use Is Located</b>	
	AP	CC, COR, IL, IH
AP, RR, RG, and PD Districts with Only Residential Uses	400	400
RC, CN, CR, COR, O, M, IH Districts, and PD Districts with Non-Residential Uses	200	Setback standards of zone district in which use is located

**(d) Parking Standards**

1. Except for parking spaces required for ADA compliance, which shall comply with the paving and dimensional standards in Section 5.2, Off-Street Parking and Loading Standards, off-street parking spaces and drive aisles may be surfaced with gravel, grass, or other material if the applicant demonstrates that the surface will be capable of accommodating anticipated traffic loading stresses.
2. Parking shall be provided on-site, except that parking that is not required for ADA compliance may be provided off-site if shuttle service is provided from the off-site parking area to the event venue.
3. Parking on public roads or public right-of-way adjacent to the site is prohibited.

**(e) Building Standards**

All structures shall comply with the County building code and fire code and shall be inspected prior to occupancy by the Building and Zoning Office.

**(f) Operational Standards**

Outdoor sound amplification and outdoor lighting is only permitted between 8 am and 10 pm on weekdays, and 11 pm on weekends and on holidays observed by the federal, state, or County government.

**(g) Sanitation Standards**

1. If the event venue uses an on-site wastewater disposal system instead of a sanitary sewer system, the disposal system shall be approved by TDEC, and the applicant shall provide the county with the TDEC approval which states the capacity of the approved system.
2. The applicant shall provide a letter from the water utility which states that water service is available at the site and the proposed design capacity.

**(h) Traffic Impact Study**

A Traffic Impact Study shall be performed in accordance with the Maury County Subdivision Regulations.

**(3) Religious Facility**

A religious facility shall comply with the following:

- (a)** A new religious facility shall require major site plan approval from the Planning Commission, in accordance with Sec. 2.5.5, Site Plan (Minor or Major).
- (b)** Proposed additions to religious facilities may be reviewed as a minor site plan with approval by the Planning Director, in accordance with Sec. 2.5.5, Site Plan (Minor or Major), if the proposed expansion is less than 50 percent of the floor area of the original structure or less than 5,000 square feet, whichever is less.

**(4) College or University**

A college or university use shall comply with the following:

- (a)** A new college or university use shall require major site plan approval from the Planning Commission, in accordance with Sec. 2.5.5, Site Plan (Minor or Major).
- (b)** College or university facilities that operate out of office space shall be reviewed as an office use type.
- (c)** A new college or university use shall comply with the following:
  1. The minimum lot area shall be 20 acres.
  2. New higher educational facilities shall take primary access from an arterial road identified on the County Road list approved by the County Commission.
  3. Principal buildings shall be set back at least 250 feet from all property lines.
  4. All other structures, parking areas, and related uses shall be set back at least 100 feet from all adjacent residential property lines.

**(5) School, K-12**

A K-12 school shall comply with the following:

- (a)** A new school shall require major site plan approval from the Planning Commission, in accordance with Sec. 2.5.5, Site Plan (Minor or Major).
- (b)** Proposed additions to existing schools may be reviewed as a minor site plan with approval by the Planning Director, in accordance with Sec. 2.5.5, Site Plan (Minor or Major), if the proposed expansion is less than 50 percent of the floor area of the original structure or less than 5,000 square feet, whichever is less.
- (c)** New educational facilities shall have primary access from local roads so as not to impact traffic on major roads.

**(6) School, Vocational**

A vocational school use shall comply with the following:

- (a)** A new school shall require major site plan approval from the Planning Commission, in accordance with Sec. 2.5.5, Site Plan (Minor or Major).

- (b) Buildings utilized for educational use shall be set back at least 100 feet from all property lines.
- (c) Buildings utilized for educational training shall be located to the rear of any residential use on the property.

**(7) Hospital**

A hospital shall comply with the following:

- (a) A hospital shall be located on a lot at least five acres in size.
- (b) All new hospitals shall take primary access from an arterial identified on the County Road list approved by the County Commission.
- (c) The principal building shall be set back at least 100 feet from the property line.
- (d) All other structures, parking areas, and related uses shall be set back at least 50 feet from any property line with a residential use or in a Residential district.

**(8) Rehabilitation Center**

A rehabilitation center shall comply with the following:

- (a) A rehabilitation center shall be located on a lot at least five acres in size.
- (b) All structures and activities shall be set back at least 50 feet from all property lines or the minimum setback required in the zone district, whichever is greater.
- (c) The applicant shall provide either a copy of the license or permit issued by the appropriate state agency, or a letter from the agency stating that a license or permit is not required.
- (d) Clients of the facility must be actively and continuously enrolled in a rehabilitation or substance abuse program.
- (e) The facility shall always have a staff member on the premises while clients are present.

**(9) Cemetery**

- (a) A cemetery shall be located on a lot at least 15 acres in area;
- (b) If the cemetery is not accessory to an institutional use such as a religious facility, it shall have access from an arterial or collector road that is identified on the County Road list approved by the County Commission.
- (c) All graves, burial lots, and mausoleums shall be set back at least 150 feet from an arterial road, 100 feet from any lot line with a residential use or a lot in the RR or RG district, and 50 feet from any other lot line.
- (d) In addition to the transitional buffer required by Section 5.3, Landscaping Standards, the portion of the site used for burial shall be surrounded by a fence or wall except where access is provided for vehicles or pedestrians.
- (e) The cemetery shall comply with all requirements in Title 46, Cemeteries, T.C.A.

**(10) Airport, Landing Strip, and Heliport, Public and Private**

**(a) General Airport Standards**

**1. Runways and Landing Strip Length and Width**

Runways and landing strips shall be at least 50 feet wide and a maximum of 3,000 feet long.

**2. Minimum Runway and Landing Strip Setbacks**

Runways and landing strips shall be set back at least 1,000 feet from any property line, and 100 feet from all buildings and structures.

**3. Building and Structure Setbacks**

All buildings and structures shall be set back at least 100 feet from any property line.

**4. Obstruction Restrictions**

There shall be no obstruction, including aircraft that are hangered, tied down, or parked, in the following areas:

- i. Within 50 feet on each side of the center line along the full length of the runway, landing strip, or helipad; and
- ii. Within 1,000 feet of both ends of a runway or landing strip.

**5. Operational Standards**

Only Visual Flight Rule (VFR) operations in accordance with FAA regulations are permitted.

**6. Compliance with FAA Standards**

All structures on the property shall comply with federal aviation regulations at 49 CFR Part 77, as amended.

**7. Additional Standards**

- i. A single property may contain no more than one runway or landing strip, or two heliport pads.
- ii. No more than two aircraft may be stored on the site.

**8. Permitted Uses within the Primary Surface**

Uses within the area designated as the primary surface, as established and defined by 49 CFR Part 77, as amended, shall be limited to:

- i. Open space; and
- ii. Permitted airport uses.

**9. Permitted Uses within the Inner Approach, Outer Approach, and Transitional Surfaces**

Uses within the inner approach, outer approach, and transitional approach areas, as established and defined by 49 CFR Part 77, as amended, shall be limited to those uses permitted in the underlying base zone districts with the exception that the following uses shall be prohibited:

- i. Private or public landfills;
- ii. Trash compaction and transfer stations;
- iii. Sewage ponds;
- iv. Sludge disposal;
- v. Water reservoir;
- vi. Feedlots;
- vii. Slaughterhouses;
- viii. Waterfowl productions that are not completely enclosed within a structure;
- ix. Wildlife sanctuaries and refuges;
- x. Lakes or ponds with a surface area in excess of one acre or designed to attract or harbor waterfowl unless such lake or pond is required as part of the site's storm water drainage system as required by the County;
- xi. Commercial shooting ranges;
- xii. Private airports, landing strips, and heliports;
- xiii. Hospitals;
- xiv. Educational facilities;
- xv. Religious institutions; and
- xvi. Ball fields.

**(b) Private Airports**

1. Private airports shall be used only for agricultural or recreational purposes and not for commercial purposes.

2. The siting, development, and operation of a new private airport shall not conflict with the operations of any existing airport, including overlap with flight patterns and approach areas.

**(11) Communications Tower and Equipment**

**(a) Purpose**

The purpose of this section is to establish standards for the siting and installation of communication equipment such as towers and antennas to meet the County's goals to:

1. Minimize the total number of towers in the County;
2. Promote the joint use of new and existing tower sites;
3. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
4. Configure towers and antennas in a way that minimizes their adverse visual impacts; and,
5. Enhance the ability of telecommunications service providers to provide services to the community quickly, effectively, and efficiently.

**(b) Application Requirements**

An application for a special exception for installation of a communications tower or antenna shall include the following:

1. Site and landscaping plans drawn to legible scale, including:
  - i. The site located and highlighted on the County's tax map, identifying the relevant map and parcel numbers; and
  - ii. The site located on colored copies of US Topo maps produced by the National Geospatial Program of the U.S. Geological Survey.
2. A written report that includes a description of the tower including technical reasons for its design;
3. An inventory and map that identifies the location of existing and proposed tower sites owned and operated by the applicant, including the height and design of each existing tower as well as the proposed tower.
4. Documentation, certified by a professional structural engineer licensed in the State of Tennessee who is competent in such design, establishing the structural integrity of the tower's proposed uses, the general capacity of the tower, and other information necessary to ensure that American National Standard Institute (ANSI) standards are met;
5. A written statement of intent as to whether excess space on the tower will be leased (i.e., total number of co-locators permitted on tower);
6. Written proof of ownership of the site or a copy of the owner's authorization to use the site;
7. Copies of any easements necessary to gain access or limited development areas;
8. A written report from a professional geotechnical engineer licensed in the State of Tennessee that the soils and underlying materials will support the intended structure;
9. Documentation that the tower facility meets FCC technical emissions standards, as well as other applicable FCC requirements;
10. Documentation that the FAA has issued a "Determination of No Hazard" regarding the site;
11. A written explanation as to why the proposed site was selected and why co-location is not a possible option; and,

12. Documentation that the site complies with requirements of the federal National Environmental Policy Act (NEPA) in regard to impact on wildlife, endangered species, historical sites, Native American religious sites, floodplains, wetlands, high intensity white lights in residential neighborhoods, and frequency emissions in excess of FCC guidelines.

**(c) Development Standards**

1. To minimize the risk of injury or damage due to a tower collapse, a lot shall be of sufficient size and the tower sited such the fall radius from the base of the tower to any adjoining property line or supporting structure of another tower is a minimum of 100 percent of the proposed tower height.
2. Except as specifically required by the FAA or FCC, communication tower structures shall:
  - i. Be colored gray or silver;
  - ii. Not be illuminated; and
  - iii. Not use strobe lights.
3. Communication tower structures shall be designed to encourage collocation by future additional users.
4. No signage, advertising, or other delay is permitted.
5. Any on-site accessory structure shall only be used for the storage of equipment and/or electronics required on the site.
6. The tower base, all guy wires, and equipment areas shall be enclosed with a fence no less than six feet in height with access via a lockable gate. The gate shall be locked when the tower site is not being accessed for maintenance or other similar uses, and the fence shall be maintained in a good condition.
7. The tower shall be screened from public rights-of-way and adjacent properties with landscape buffers installed on the outside of the security fence. Each landscape buffer shall consist of a landscaped strip at least ten feet wide planted with a combination of trees, shrubs, and ground cover that include:
  - i. A row of evergreen trees a minimum of eight feet in height when planted and a minimum of 10 feet in height at maturity, placed a maximum of ten feet apart; and
  - ii. A contiguous hedge of evergreen shrubs at least 30 inches in height at planting placed in front of the tree line.

**(12) Decentralized Wastewater Treatment and Disposal System**

**(a) Major Site Plan Approval Required**

Prior to construction of a new decentralized wastewater treatment and disposal system or a component of a system, and prior to the expansion of any existing decentralized wastewater treatment and disposal system beyond the capacity previously approved, the Planning Commission shall be required to approve a major site plan in accordance with Sec. 2.5.5, Site Plan (Minor or Major).

**(b) Scope and Order of Site Plan Approval**

1. A single site plan application showing the decentralized wastewater treatment and disposal system or system component and another use may be submitted if:
  - i. The other proposed uses included on the site plan application are not Residential uses listed in Table 4-1: Principal Use Table;
  - ii. The other proposed uses will use the proposed decentralized wastewater treatment and disposal system; and
  - iii. All components of the proposed decentralized wastewater treatment and disposal system will be located on the same parcel as the other proposed uses.

2. For all site plan applications involving a decentralized wastewater treatment and disposal system that do not comply with subsection 1 above, a separate site plan for the proposed decentralized wastewater treatment and disposal system must be approved before a site plan or final plat may be approved for the uses that the system will serve. The site plan for the decentralized wastewater treatment and disposal system may be considered on the same agenda of the Planning Commission as the final plat or site plan for the uses that it will serve, provided the site plan for the decentralized wastewater treatment and disposal system is considered first. If the site plan for the decentralized waster system is not approved, the final plat or site plan for the uses it will serve shall be deferred, withdrawn from consideration, or denied due to the failure to provide adequate treatment and disposal of wastewater.

**(c) Site Plan Submission**

The following shall be submitted as part of the application for approval of a site plan for a decentralized wastewater treatment and disposal system.

**1. General Application Requirements**

- i. Written proof from the Tennessee Public Utility Commission (TPUC) of a valid and current Certificate of Convenience and Necessity (CCN) issued to and in the name of the proposed owner or operator of the system authorizing service to the proposed area, or written proof from the TPUC that a CCN is not required.
- ii. A draft state operating permit issued by TDEC.

**2. Site Description**

A description of the site, including:

- i. Location map;
- ii. Climate;
- iii. Geology (including subsurface hydrology);
- iv. Topography;
- v. Access;
- vi. Water supply wells within 1,500 linear feet of the facility; and
- vii. Centralized Wastewater Treatment/Disposal (CWTD) Evaluation, as follows:
  - a. Identify potential CWTD service area (topographic maps of area adjacent to proposed project);
  - b. Evaluation of the Facility for providing a CWTD system in the service area (nature and extent of the area to be served, including immediate and probable future development);
  - c. Summary, conclusion, and plan of service regarding the potential CWTD systems within the identified service area; and
  - d. Written statement from the wastewater utility who will own and operate the system, advising of its position on potential for CWTD.

**3. Scaled Drawing**

A scaled drawing with two-foot elevation contours showing the preliminary site layout, including:

- i. Pre-application treatment facilities;
- ii. Storage facilities;
- iii. Disposal fields;
- iv. Buffer zones;
- v. Hand auger, test pit, and soil boring locations;
- vi. Access roads and utilities;
- vii. Watercourses;

- viii. Drainage structures;
- ix. Flood elevations with 10-year, 50-year, and 100-year floodplain elevation noted;
- x. Residences and habitable structures within or adjacent to site; and
- xi. Wells within 500 feet of the site.

**4. Screening from Adjacent Properties**

A minimum of two cross-sectional drawings shall be submitted that demonstrate whether the pre-treatment facilities, storage facilities, equipment storage buildings, pump stations, and other above-ground appurtenances can be effectively screened from adjacent properties by distance, topographical features, existing vegetation and/or new vegetation in accordance with Section 5.3, Landscaping Standards. If the Planning Commission determines that that the facilities described above will not be adequately screened from adjacent properties, additional buffering as necessary to fully screen the facilities may be required.

**5. Identification of Backup Wastewater Disposal Sites**

- i. One or more backup wastewater disposal sites, equal to or greater in acreage and equal to or better than soil absorption capability as the primary wastewater disposal sites, shall be identified and shown on the site plan. The area shall be set aside in an amount necessary and sized based on the design wastewater flow rates and specific design hydraulic loading rate to properly treat and dispose of the sufficient wastewater capacity of the proposed residential or nonresidential use, according to the estimated effluent as determined by TDEC. All proposed uses for the back-up sites shall be described in the site plan.

**6. Auxiliary Disposal Sites**

If auxiliary disposal sites are anticipated beyond the primary dedicated disposal site, these sites or disposal options must be presented for review. Beneficial reuse opportunities with treated wastewater will be considered on a case-by-case basis.

**(d) Ownership of Decentralized Wastewater Treatment and Disposal System and Site**

- 1. The decentralized wastewater treatment and disposal system, storage lagoons (if any), and primary land disposal site(s) shall be owned and operated by the same entity. No homeowners' association, property owners' association, or trust indenture shall be permitted to own or operate any part of the primary decentralized wastewater treatment and disposal system. Any residential use utilizing a decentralized wastewater treatment and disposal system shall create a separate lot for the treatment and disposal areas and said lot shall be transferred by deed to the Utility Provider holding the CCN from TPUC. The treatment and disposal areas shall not be counted as Open Space or utilized in the calculation of residential density.
- 2. The required backup disposal site(s) may be owned by a homeowners association and may be counted as Open Space and utilized in the calculation of residential density, but must be set aside in perpetuity via easement or fee simple for the sole use as a redundant wastewater disposal area. If via easement, the easement and restrictions shall be shown on the applicable Final Plat of residential use of Site Plan of a nonresidential use and recorded as a separate easement described in metes and bounds and recorded in the Maury County Register of Deeds Office. Any applicant covenants and restrictions on the property shall also address the restricted use of the required backup disposal site.

3. The owner of the decentralized wastewater treatment and disposal system shall also be required to employ on a full-time basis a person to hold a valid, current and applicable operator's license issued by TDEC, Water & Wastewater Operators Certification Board.
4. The owner of the decentralized wastewater treatment and disposal system shall also be required to hold a valid and current approval from the Tennessee Public Utility Commission to operate said system in the proposed location.
5. Except as provided in this Section 4.2.4(C)(12)(d), the treatment system and disposal site shall be dedicated or restricted so the only approved or acceptable use for the land disposal sites shall be for the purpose of providing wastewater treatment and disposal. All of the components of the wastewater system, including the wastewater septic tanks, if required, collection systems, pumping stations, treatment systems, storage lagoons, and land disposal sites shall be owned and operated by the same entity.
6. All required wastewater utility easements shall be shown on the applicable final plats or site plan. Easements shall be provided to allow access to all components of the treatment and collection system, including but not limited to septic tanks, and pipelines.
7. If auxiliary disposal sites are proposed (over and above the minimum area required for satisfactory operation of the treatment and disposal system), these sites will not be required to be owned by the same entity as the wastewater treatment and disposal system. A written contract or agreement between the owner of the treatment system and the owner of the auxiliary disposal site will be required. The contract will require the owner of the auxiliary disposal site to adhere to all conditions and requirements placed on the use of the auxiliary disposal sites by TDEC and/or the County.
8. Except as provided in this Section 4.2.4(C)(12)(d), where the treatment system, disposal system, and storage lagoons (if any) will be operated by a utility issued a Certificate of Convenience and Necessity ("CCN") by the Tennessee Public Utility Commission, the land upon which the treatment and disposal system and storage lagoon(s) are located shall be transferred to the owner/operator of the wastewater system holding the CCN. This transfer shall be via deed that is recorded in the Maury County Register of Deeds office within 60 days of approval of the final plat of the subdivision upon which the treatment and disposal system and storage lagoon(s) are located. Proof of recording of this property transfer shall be provided to the Director by providing a copy of the recorded deed within the 60 days required for recordation of the deed. If the recorded deed is not provided to the Director before the expiration of these sixty days, the development shall be considered in violation of the Zoning Ordinance and subject to enforcement in accordance with Article 7: Enforcement.
9. In the event that the treatment system, disposal system, storage lagoons or backup disposal areas are utilized for the decentralized wastewater treatment and disposal system for a single non-residential use and does not require a CCN from the Tennessee Public Utility Commission, then the owner of the land upon which any portion of the system is constructed shall provide proof of ownership of that land by providing a recorded deed to the land within 60 days of approval by the Planning Commission of the site plan authorizing the decentralized wastewater treatment and disposal system. If the recorded deed is not provided to the Director before the expiration of these 60 days, the development shall be considered in violation of the Zoning Ordinance and subject to enforcement in accordance with Article 7: Enforcement.

**(e) Compliance with State Regulations and Guidelines**

1. These requirements apply to all decentralized wastewater treatment and disposal systems that use land application as a disposal method for the wastewater. This

Article does not apply to single residential or non-residential lots utilizing individual, single on-site wastewater treatment and disposal systems for the treatment and disposal of wastewater, such as septic systems.

2. All decentralized wastewater treatment and disposal systems constructed in the County that use land for the disposal of the wastewater shall comply with the regulations promulgated by TDEC’s Division of Water Pollution Control, specifically Chapter 15, Small Alternative Wastewater Systems; Chapter 16, Design Guidelines for Wastewater Treatment Systems Using Spray Irrigation, and Chapter 17, Design Guidelines for Wastewater Dispersal Using Drip Irrigation effective 2016, as amended, and as applicable, except where modified in this Ordinance.

**(f) Additional Standards for Drip Emitter Systems**

The following apply to all drip emitter systems:

**1. Buffer Zones, Public Access, and Protection of Water Supply Wells**

- i. Buffer zones are required to provide adequate access to buried drip lines and to ensure that no wastewater leaves the site. Specific buffer zone requirements for varying system components and site conditions are provided in Table 4-6: Drip Emitter Wastewater System Buffer Zones.

**Table 4-6: Drip Emitter Wastewater System Buffer Zones**

Component	Development Boundaries [1]	Internal Property Lines	Streams, Ponds, and Roads	Habitable Structures	Drinking Water Wells [3]
Piping	100 feet	25 feet	100 feet [2]	50 feet	300 feet
Treatment facility (including associated equipment and buildings)	200 feet	100 feet	100 feet [2]	300 feet	300 feet
Storage facility (if any)	100 feet	100 feet	100 feet	100 feet	300 feet
Drip emitters	100 feet	25 feet	100 feet [2]	100 feet	300 feet
Spray nozzles [4]	100 feet	25 feet	100 feet [2]	100 feet	300 feet

**NOTES**

- [1] For purposes of this Section, development boundaries refer to properties that are a part of the site area of the proposed development or the proposed sewage disposal area. However, this buffer zone may extend into, but not beyond, public road rights-of-way dedicated to a governmental entity and railroad rights-of-way.
- [2] These buffer zone distances may be superseded by the waterway setbacks established in this Ordinance or the Subdivision Regulations, including Sec. 5.13.2, Additional Setbacks from Stormwater and Water Bodies and Features.
- [3] Requirements for buffer areas in relation to potable water wells will be determined after reviewing groundwater pollutions susceptibility and groundwater recharge maps or by contacting the TDEC Division of Water Supply. In no case shall a wastewater application system be located within 300 feet of a drinking water well. TDEC Wellhead Protection requirements may increase the buffer distances as necessary.
- [4] Designers must specify appropriate irrigations devices to prevent overspray under any conditions. If noticeable overspray is observed, facilities will be adjusted or removed and relocated as needed. Drinking fountains, outdoor eating areas and other similar features (i.e., snack bars) located within the approved use area must be protected from overspray or contact with treated wastewater. Protection may be accomplished by relocating the irrigation system or relocating the protected facilities.

- ii. To protect drinking water aquifers, abandoned water supply wells within the treatment site must be identified along with all public water supply wells within 1,500 linear feet of any decentralized wastewater treatment and disposal system and all private water supply wells within 500 linear feet of any land disposal area.
- iii. Public access to the disposal field shall be restricted by posting signs and fencing of disposal fields. Fencing and access road gates shall be provided

along property lines adjacent to residential and other developed areas. Fencing is required around all wastewater treatment systems, storage facilities, pump stations, and holding ponds.

**2. Surface Drainage and Runoff Control**

- i. Drainage of storm runoff should be considered in the design of drip irrigation systems. All land application fields must be protected against flooding (below 10-year flood elevation), ponding, and erosion. Run-off from upgradient areas should be redirected around the irrigation site. If properly designed and constructed, drip irrigation systems will not produce any runoff if surface applied or any surface flow of wastewater if subsurface applied. All areas that acquire a wet surface should have the hydraulic loading rate reduced to prevent the situation from recurring. Areas exhibiting a wet surface on a regular basis shall be eliminated from future applications unless the surface wetting can be corrected. A reassessment of the design should be performed to determine if reconstruction or repair of the failing area would correct the deficiency. Any areas taken out of service because of failure will subsequently cause a reduction in the permitted system capacity.
- ii. Indirect runoff as a result of underflow, changes in slope, and shallow restrictive soil layers can be anticipated at some slow rate land treatment sites. Indirect runoff may be acceptable if it is dispersed over a wide area. However, monitoring of streams affected by such indirect runoff will be required.

**3. Location of System Components**

- i. The disposal site shall be relatively isolated, easily accessible, and not susceptible to flooding.
- ii. In no event shall a disposal site be located within the 10-year floodplain. The limits of the 10-year floodplain shall be established by a field elevation survey utilizing FEMA cross-section data, or an equivalent engineering study which defines the site area having a 10 percent chance of storm water inundation in any given year. No disposal site shall be utilized when inundated or saturated with water.
- iii. In no event shall a decentralized wastewater treatment and disposal system be located within the pre-existing boundary of the 100-year floodplain. The limits of the 100-year floodplain shall be established by a field elevation survey utilizing FEMA cross-section data, or an equivalent engineering study which defines the site area having a 1 percent chance of storm water inundation in any given year. Areas within the 10-year and/or 100-year floodplain boundaries shall be manipulated in such a way that the pre-existing grade is changed.
- iv. Except as permitted for the exclusive benefit of a government entity as described in subsection (d)1 above, under no circumstances shall the primary treatment system, storage pond, and disposal site be installed upon properties encumbered by easements.
- v. Under no circumstances shall the treatment system, storage pond, disposal site and back-up disposal site be installed on properties with grades in excess of 15 percent slope.
- vi. Neither the treatment and disposal system nor the backup disposal site shall be accessed by a collector road.

**4. Disposal Site Use Restrictions**

- i. The primary disposal site shall be closed to public access and shall be restricted so that its only acceptable use is for wastewater disposal. The use of the primary disposal site as a park, golf course, cemetery, outdoor institutional, or other recreational or other public use is prohibited.

- ii. The required back-up disposal site may only be used as a passive park with no permanent structures or buildings, and with no alteration of the site that would render the soils no longer capable of accepting the disposal capacity for which it was set aside.

**5. Back-Up Disposal Site**

In addition to the primary wastewater disposal sites, one or more back-up or secondary wastewater disposal sites shall be provided, in accordance with the following:

- i. The back-up disposal should be owned by the utility operator, but it may be owned by a homeowner's association and contained within required open space as long as a perpetual easement for the area is granted for the sole purpose and use as a wastewater disposal site and that the use of the land same is restricted to open space purposes, in accordance with Sec. 5.5.8, Protection and Maintenance. The easement and restrictions relating to the use of the land as a back-up wastewater disposal site shall be shown on the final plat, addressed in the covenants and restrictions, and recorded as a separate easement with the County Register of Deeds.
- ii. The back-up disposal site shall be sized based on the design wastewater flow rates and the specific design hydraulic loading rate for the back-up disposal site(s). Should it need to be used in the future for wastewater disposal, it likewise shall be closed to public access and shall be restricted so that its only acceptable use is for wastewater disposal. The use of the back-up disposal site shall be prohibited for use as a park, golf course, cemetery, outdoor institutional, recreational, or other public use.
- iii. The back-up wastewater disposal site(s) shall be protected to prevent encroachment of any unauthorized vehicles or equipment. No encumbrance or physical structure shall be placed in such a manner so as to interfere with the wastewater disposal site's intended purpose. No activity will be allowed on the back-up wastewater disposal site(s) that will alter the soil characteristics or the design percolation rates for each soil type.

**(13) Solar Energy Conversion System, Large-Scale**

- (a) The lot coverage of the system, including any associated equipment, may be up to but shall not exceed 80 percent.
- (b) No components of the use shall exceed a height of 20 feet.
- (c) Except for transmission lines and collector utility structures, all utilities associated with the system shall be located underground.
- (d) The application for a special exception use permit shall include a decommissioning plan that describes the timeline and manner in which the solar energy conversion system will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.
- (e) If the solar energy conversion system ceases operating for a period of 18 consecutive months, the County shall deem it abandoned and will provide a written notice of abandonment to the owner. Within 180 days after notice of abandonment is provided, the owner is required to either complete all decommissioning activities and site restoration in accordance with the decommissioning plan or resume regular operation of the solar energy conversion system.
- (f) This use shall be combined on a site with an agricultural use.

**(14) Utility, Major**

All structures and storage areas shall be set back at least 100 feet from all property lines.

**(15) Wind Energy Facility, Large**

A large wind energy facility shall comply with the following:

**(a) Applicability**

The standards of this section apply to a new large wind energy facility and to the expansion of an existing wind energy facility. For purposes of this section, expansion of a wind energy facility includes activities that add to or substantially modify a facility by increasing the height of turbines or increasing the number of turbines, transmission facilities or other equipment, or increasing the footprint of the facility.

**(b) Procedure**

In addition to the requirements for a special exception in Sec. 2.5.4, Special Exception Permit, the following apply to an application for a special exception for a large wind energy facility.

**1. Application Requirements**

- i. The application for a special exception shall include a copy of the certificate of public convenience and necessity issued by the Public Utility Commission relating to the proposed large wind energy facility or expansion.
- ii. The application shall include comments from state and federal agencies with jurisdiction

**2. Assessments**

Except as provided in subsection (i) below, the application for a special exception shall include an environmental impact assessment in accordance with subsection (g) below, and a wildlife impact assessment in accordance with subsection (h) below. If a wildlife impact assessment is required, in no circumstance shall a special exception be effective until the state Wildlife Resources Agency has notified the County of its approval or approval with conditions of the application, and the special exception shall include any conditions required by the Wildlife Resources Agency.

**3. Public Hearing and Notice**

A public hearing on the application shall take place within 60 days after the determination that the application is complete. Notice of the public hearing shall comply with the standards of Section 2.4.7, Scheduling of Public Hearing and Public Notification, and the following:

- i. The notice shall be published for at least two consecutive weeks in a newspaper of general circulation in the County, beginning at least 30 days prior to the scheduled date of the public hearing.
- ii. The notice shall provide that any comments on the construction, operation, or redevelopment of the large wind energy facility or expansion shall be submitted to the Board of Zoning Appeals by a certain date, which shall be no less than 30 days from the date of the newspaper publication of the notice.

**(c) Setback**

1. From the lot line of a nonparticipating owner, a wind energy turbine shall be set back a distance equal to 3.5 times its height. A nonparticipating owner may execute a waiver that authorizes a reduction in the required setback from the nonparticipating owner's property line to 1.1 times the height of a wind energy turbine.
2. For purposes of this subsection (c), the height of the wind turbine shall be measured from the ground to the maximum height of the blade tip.
3. All other buildings and structures on the site of a large wind energy facility shall be set back at least 100 feet from all property lines or the minimum setback requirement of the underlying zone district, whichever is greater.

**(d) Height**

The maximum height standards of this Ordinance do not apply to a large wind energy facility.

**(e) Access**

Access to the large wind energy facility shall be from an arterial or collector road. At the time the application for the facility or expansion is filed, there shall be a route to access the site from a principal arterial road that does not require use of roads in a residential subdivision.

**(f) Site Design Standards**

1. Signage shall not be allowed on a wind turbine. Signage may be posted on the fence near the entrance gate(s) or at the base of the tower identifying the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
2. Each wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray or white) that blends into a range of sky colors, unless required otherwise by the FAA. Bright, luminescent, or neon colors are prohibited.
3. A wind turbine shall not be lit unless required by the FAA.
4. A wind turbine shall not be readily climbable for the first 15 feet of the structure.
5. All electrical and control equipment on the site shall be stored within a secure area such as a lockable cabinet or other lockable structure.
6. All wiring between the wind turbines and power substation or point of interconnection shall be underground, to the maximum extent practicable.

**(g) Environmental Impact Assessment**

Except as exempted in subsection (i) below, before a special exception permit for a large wind energy facility may be granted, the applicant shall submit an environmental impact assessment (EIA) prepared by a qualified third-party expert that assesses the potential adverse impacts of the facility on lands within four miles of either the perimeter of the facility or the proposed area of expansion of an existing facility. The EIA shall study at least the following potential impacts:

1. Economic impacts to individuals, property values, tourism, and agriculture;
2. Potential adverse impacts on ecosystems, including domestic animals, and habitat and migratory patterns for wildlife;
3. Viewshed analysis for national or state parks or forests, historic or cultural sites, public parks or recreation areas, or private conservation lands;
4. Hydrogeological assessment, including water bodies, flowing water sources, stormwater runoff, wetlands, groundwater, aquifers, and private wells within at least two miles of the perimeter of the facility or expansion;
5. Risk assessment and mitigation recommendations for shadow flicker and incidents, such as wind turbine fires, structural damage or failure, ice and blade throw, and hazardous material spills; and
6. Risk assessment for civil air navigation, military or law enforcement routes or training exercises, emergency medical flights, radar operations, and cell phone services.

**(h) Wildlife Impact Assessment**

**1. Assessment Required**

Except as exempted in subsection (i) below, before a special exception permit for a large wind energy facility may be granted, the applicant shall prepare a wildlife impact assessment that includes analysis of the potential adverse impacts to wildlife refuges, preserves and management areas, areas that provide habitat for

threatened or endangered species, primary nursery areas designated by the fish and wildlife commission and the wildlife resources agency, and critical fisheries habitats identified pursuant to applicable state or federal law.

**2. Wildlife Resources Agency Approval Required**

Following its preparation and submittal to the county, the wildlife impact assessment prepared in accordance with subsection 1 above shall be submitted to the state Wildlife Resources Agency for its review. The Wildlife Resources Agency shall review the wildlife impact assessment and the requested special exception permit and shall approve, approve with conditions, or deny the application. No permit issued by the county shall be effective until the Wildlife Resources Agency has provided its approval or approval with conditions.

**(i) Alternate Environmental Review**

The assessment requirements established in subsections (g) and (h) above shall be waived if review of the large wind energy facility or any portion of the facility is required by the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 *et seq.*), and the review conducted as part of the NEPA requirements includes public input, a public hearing, an environmental impact statement, and a viewshed analysis.

**(j) Noise Measurement**

Prior to construction or expansion of a facility, a qualified third-party acoustics expert, selected and paid for by the applicant, shall make a baseline determination of preconstruction noise levels, including modeling and enforcement.

**(k) Decommissioning and Security**

**1. Security Required**

Before beginning construction of a large wind energy facility, the applicant shall establish financial security in the amount of 100 percent of the estimated total cost to decommission and remove the wind energy facility. The cost to decommission and remove the wind energy facility shall be established by an independent consultant paid by the applicant. The financial security shall be established by depositing with the County a surety bond, collateral bond, irrevocable letter of credit, parent guaranty, cash, cashier's check, certificate of deposit, or bank joint custody receipt, or other negotiated instrument approved by the County.

**2. Decommissioning**

A large wind energy facility shall be deemed decommissioned if:

- i. A wind turbine that is part of the facility ceases to generate electricity for 180 consecutive days, unless the generation shutdown was required by state or federal law. The County may extend the deadline for no more than 180 days at a time.
- ii. A wind turbine or group of wind turbines that are part of the facility violate the noise level restrictions in subsection (l) below and are not brought into compliance within 180 days of the date of the violation. The County may extend the deadline for compliance one time for no more than 180 days.

**3. Property Restoration**

Within 12 months following the decommissioning of a facility or expansion, the owner of the property shall restore the property to its original condition prior to commencement of activities on the site. This shall include, but not be limited to, the removal of all wind turbines, above-ground equipment, outdoor storage, and any hazardous materials associated with the facility.

**(I) Operational Standards**

Except during inclement weather that prevents the operator of a large wind energy facility from controlling wind turbine noise levels, a wind turbine or group of wind turbines shall not exceed an emission limit at a non-participating landowner's dwelling of 35 A-weighted decibels (dBA) and 45 dBA at a non-participating landowner's property line as determined by a qualified, third-party acoustics expert according to American National Standard Institute (ANSI) Standard 12.9 and other applicable ANSI standards.

**(D) Commercial Uses**

**(1) Adult Business**

**(a) Adult-Oriented Establishment**

1. No adult-oriented establishment shall be located within 1,000 feet of the following:
  - i. Any use in the Residential use classification;
  - ii. Any land with a principal or accessory residential use
  - iii. Any use in the Educational Facilities use category, including athletic facilities and stadiums accessory to an Educational Facility use;
  - iv. A child care center, family child care home, or group child care home.
  - v. A religious institution;
  - vi. A public park or country club;
  - vii. A indoor recreation use, outdoor recreation use, and sports stadium and arena.
2. The distance measurement in subsection 1 above shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point of the property line of a parcel containing an adult-oriented establishment to the nearest point on the property line of a parcel containing any of the uses listed in this section. The presence of a political boundary shall be irrelevant for purposes of calculating and applying the distance requirements of the section.
3. An adult-oriented establishment lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operation so the said adult-oriented establishment, of a use listed in this Section within 1,000 feet of the adult-oriented establishment.
4. No structure or parcel that contains any adult-oriented establishment shall contain any other kind of adult-oriented establishment in existence on the effective date of the Ordinance. If two or more adult-oriented establishments are within 1,000 feet of one another or are with the same structure or parcel, the adult-oriented establishment that was first established in an otherwise permissible location shall be considered as a conforming use and the later establishment(s) shall be considered as a nonconforming use.
5. No adult-oriented establishment shall be enlarged so as to violate the provisions of this Ordinance.
6. No adult-oriented establishment shall be open for business before 8:00 am or after 12:00 am Monday through Saturday. No adult-oriented establishment shall be open for business on any Sunday or legal holiday as designated in T.C.A. § 15-1-101, and as amended.
7. The physical design and structure of any adult-oriented establishment shall meet all requirements of this Ordinance and all applicable building code, electrical codes, fire codes, and health codes; T.C.A. § 7-51-1403; and any other applicable local, state, or federal law, statute, or regulation.

**(2) Animal Kennel, Small**

A small animal kennel shall comply with the following:

- (a)** There shall be a minimum lot area of five acres.
- (b)** The facility shall be set back a minimum of 200 feet from any road.
- (c)** All structures and activities related to the subject facility shall be set back 100 feet from side and rear property lines.
- (d)** When adjacent to a residential use or a Residential zone district, the following setbacks apply:
  1. All non-soundproofed structures, runs, or areas where animals are confined shall be set back 150 feet from all property lines.
  2. Soundproofed, air-conditioned buildings shall comply with the minimum setback requirements of the applicable zone district.
  3. All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height and located within 50 feet of the structure.
- (e)** All outdoor run areas shall be confined to a single area of the property with fencing separating any individual runs.
- (f)** Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
- (g)** No burial or incineration of animals shall take place on the premises.

**(3) Animal Kennel, Large**

**(a) Building Standards**

All kennel buildings shall:

1. Be soundproofed with insulated walls, ceilings, and doors.
2. Have smoke and fire alarm systems that are monitored 24 hours per day.
3. Utilize ventilation systems that do not recirculate odors from the animal containment areas and provide those areas with fresh air exchange.
4. Include sealed or non-porous walls and floors.
5. Have sleeping accommodations that are at least 28 square feet in size for each dog and 7.5 square feet in size for each cat.
6. Post an emergency contact number and the maximum animal occupancy at each exit.
7. Be located behind any residential use on the site.

**(b) Setbacks and Screening**

1. All structures and outdoor areas used by animals, such as runs and play and exercise areas, shall be set back a minimum of 400 feet from all lot lines.
2. All outdoor runs shall be confined to a single area of property, with fencing separating any individual runs, and shall provide adequate shelter from rain, direct sun, and snow.
3. All animal confinement areas shall be screened by a solid fence or wall that is at least six feet in height.

**(c) Sanitation Standards**

1. All animals shall be provided with a clean area to lie down and walk around that is free of feces and urine.
2. All animals shall be provided with clean, fresh water at all times.

**(d) Additional Standards**

1. Animals shall be confined within an insulated, sound-proofed building between 10:00 pm and 7:00 am.
2. The ratio of animals to staff members shall not exceed 16 to 1.

3. The burial or incineration of animals is prohibited.
4. The facility shall maintain on-site records that provide proof of up-to-date vaccinations for the animals.

**(4) Bar or Tavern**

No bar or tavern shall be located within 500 feet of a child care center, family child care home, group child care home, religious facility, public park, k-12 school, adult-oriented establishment, or liquor store use.

**(5) Bed and Breakfast Homestay**

**(a) Dimensional Standards**

1. The minimum lot size for a bed and breakfast homestay is five acres.
2. Bulk regulations that apply to a residential use in the zone district in which the use is located shall apply to the bed and breakfast homestay.

**(b) Approval Requirements**

The following approvals shall be secured before submitting, and supporting documentation submitted with, an application for a special exception permit for a bed and breakfast homestay:

1. The applicant shall secure a permit for the bed and breakfast homestay from the Tennessee Department of Health in accordance with TCA §§ 68-14-501 *et seq.*, the Bed and Breakfast Establishment Inspection Act of 1990.
2. If not on a sanitary sewer system, the bed and breakfast homestay shall use an on-site wastewater disposal system approved by TDEC, and the applicant shall provide the County with the TDEC approval which states the capacity of the approved system.
3. The applicant shall provide a letter from the water utility which states that water service is available at the site and the proposed design capacity.
4. The applicant shall obtain a County business license.

**(c) General Standards**

1. The operator shall acquire all applicable permits required to serve food and beverages.
2. No more than three rooms shall be available to rent.
3. Guest rooms shall be established and be maintained distinct and separate from the owner-occupant's and resident occupant's quarter(s).
4. Only one daily meal service, at breakfast, shall be provided to paying guests. Meal service shall be restricted to overnight guests.
5. The use shall comply with the requirements of the Tennessee Department of Health.
6. Cooking facilities are prohibited in guest rooms.
7. The maximum length of stay for a paying guest is 14 consecutive days.
8. The owner of the establishment is required to pay the hotel/motel tax to the County Trustee.

**(d) Development Standards**

1. The site must use an onsite private wastewater disposal system.
2. No more than one off-street parking space shall be provided for each guest room. The parking shall be sited and screened using a fence, wall, landscaping, or other screening material to mitigate surrounding residential properties from the visual and noise impacts of off-street vehicle parking.
3. The bed and breakfast homestay may include a maximum of one sign with no more than nine square feet of sign area.

**(6) Travel Trailer Park**

**(a) Permitted Uses**

A travel trailer park shall be used only for the following:

1. The parking and temporary occupancy of travel trailers and similar transportable units such as recreational vehicles, for a maximum of 30 consecutive days. No travel trailer shall be parked or stored except in a travel trailer space. Mobile homes are prohibited; and
2. Accessory uses that support the travel trailer site such as administrative offices and recreational uses intended for the occupants of the travel trailers and other vehicles parked on site are allowed.

**(b) Dimensional Standards**

The dimensional standards in Table 4-7 apply to travel trailer parks and to each space within the travel trailer park that is designed for occupancy by a travel trailer:

<b>Table 4-7: Travel Trailer Park Dimensional Standards</b>			
<b>Travel Trailer Park</b>		<b>Travel Trailer Space</b>	
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot Area, min	[1]	Lot area, min (sf)	2,500
<b>Setbacks, min (ft)</b>		<b>Separation between trailers, min (ft)</b>	
<i>Front</i>	50	<i>End of trailers</i>	20 ft
<i>Side</i>	30	<i>Front/rear of trailers</i>	30
<i>Rear</i>	30	Setback, front (ft)	10 [2]

*min = minimum ft = feet sf = square feet*

**NOTES:**

- [1] The travel trailer park shall be adequately sized to accommodate a sewage disposal system approved by the County Health Department or TDEC, as applicable, and at least two acres minimum.  
 [2] This is the minimum distance each travel trailer shall be set back from the edge of the private street.

**(c) Travel Trailer Space Standards**

Each travel trailer space shall:

1. Abut and have access to a private street within the travel trailer park;
2. Not have access to a public street; and
3. Comply with the number of parking spaces required for the travel trailers in accordance with the minimum requirements in Section 5.2, Off-Street Parking and Loading Standards. In lieu of the parking space surfacing requirements in Sec. 5.2.5(C), Surfacing and Drainage, each parking space may be paved with a material such as crushed stone or gravel provided it is well maintained and renewed or replaced as reasonably necessary to maintain a neat and orderly appearance.

**(d) Required Improvements**

1. Streets within the travel trailer park shall be paved with gravel and shall be at least 15 feet in width if accommodating one-way traffic, or 20 feet in width if accommodating two-way traffic. On-street parking shall be prohibited unless the streets include additional paved right-of-way width as required by the Building Official. All streets within the travel trailer park shall be private streets and shall not be accepted as public streets.
2. The travel trailer park, including each travel trailer space, shall be properly graded with a positive drainage flow away from buildings on the site.
3. Solid waste collection facilities shall be provided for the benefit of residents of the travel trailer park. The operator of the travel trailer park shall maintain each solid waste collection facility in a neat and orderly condition with no overflowing refuse

and shall meet County health requirements. Refuse shall be stored in containers with tight-fitting covers that are adequate in size to accommodate the amount of refuse reasonably anticipated to be generated by the occupants of the travel trailer park. The operator of the travel trailer park shall provide for the collection of waste from the collection facilities as frequently as needed to comply with the standards of this section.

4. The travel trailer park shall be served by a water supply system adequate to ensure fire protection, and each travel trailer park site shall be provided with access to a water supply.
5. The travel trailer park shall be served by a sewage disposal system. The system shall include a centralized collection and disposal system that disposes of liquid waste from travel trailers and may include sanitary sewer connections at some or all travel trailer spaces. If available, a public sanitary sewer system shall be used; otherwise, the sanitary sewer system shall be approved by the County Health Department or TDEC, as applicable.
6. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures and shall comply with all applicable codes.

**(7) Amphitheater**

- (a) An amphitheater shall be situated on the site in a way that minimizes the effects of lighting and noise on surrounding properties.
- (b) An amphitheater shall comply with the following dimensional requirements:
  1. The minimum lot size shall be 20 acres.
  2. The lot shall have at least 300 feet of frontage on an arterial street or collector road identified on the County Road list approved by the County Commission at the point of access.
  3. All structures shall be set back at least 400 feet from any adjoining property line.
- (c) All points of vehicular access shall be from arterial or collector roads and located to minimize vehicular traffic to and through local streets in residential areas.
- (d) Permanent restroom facilities shall be provided to accommodate the maximum number of simultaneous employees, nonemployees, and visitors anticipated on the site and shall meet the plumbing fixture gender parity requirements established in the current edition of the International Plumbing Code adopted by the County.
- (e) Except for parking spaces required for ADA compliance, which shall comply with the paving and dimensional standards in Section 5.2, Off-Street Parking and Loading Standards, the Director may, for all required vehicular parking other than accessible parking spaces, allow surfacing with gravel, grass, or similar materials if the applicant demonstrates that the surface will be capable of accommodating anticipated traffic loading stresses and commits to maintenance of the surface.
- (f) All events shall end by midnight.

**(8) Athletic Facility**

An athletic facility shall comply with the following standards:

**(a) Dimensional Standards**

1. The minimum lot area shall be 20 acres.
2. On a lot adjacent to a use within the Residential classification, all buildings, parking and loading areas, and outdoor use areas shall be set back:
  - i. Two hundred (200) feet from the right-of-way of existing roads and the property lines of surrounding lots; and
  - ii. Three hundred (300) feet from residential dwellings on adjacent lots.
3. On a lot adjacent to a use in a category other than the Residential classification, all buildings, parking and loading areas, and outdoor use areas shall:

- i. Be set back 200 feet from the right-of-way of existing roads; and
  - ii. Comply with all other setbacks that apply in the underlying zone district.
4. An individual building shall not exceed 65,000 interior gross square feet.

**(b) Other Standards**

1. All outdoor lighting shall comply with the standards in Section 5.4, Exterior Lighting Standards. Outdoor lighting shall only be used between 10:00 am and 10:00 pm.
2. The lot shall comply with the minimum required lot width that applies in the underlying zone district, and access to the use shall be provided directly from the road frontage.
3. Primary access shall be provided from an arterial or collector road identified on the County Road list approved by the County Commission.
4. Permanent restroom facilities shall be provided that can accommodate the capacity of the use.
5. Applications shall include proof of the availability of potable water and proper treatment and disposal of wastewater in accordance with applicable County and state regulations.

**(9) Sports Stadium and Arena**

A sports stadium and arena shall comply with the following:

- (a) The minimum lot area shall be 10 acres.
- (b) At least 20 percent of the lot shall be maintained as landscaped area or open space.
- (c) Principal buildings shall be set back at least 500 feet from all property lines.
- (d) New stadiums and arenas shall take primary access from an arterial road identified on the County Road list approved by the County Commission.
- (e) Outdoor lighting and sound systems shall only be used between 10:00 a.m. to 10:00 p.m.

**(10) Fleet Fuel Depot**

- (a) The site shall have at least 200 feet of frontage on, and direct vehicular access to, a street with a right-of-way width of at least 50 feet.
- (b) Gasoline pumps, other service appliances, and any buildings shall be set back at least 50 feet from the street right-of-way.
- (c) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.
- (d) No storage or parking space shall be offered for rent.

**(11) Gas Station**

- (a) Except for canopies designed to cover gasoline pump islands, all buildings and other structures shall be set back at least 40 feet from street rights-of-way.
- (b) Gasoline pumps shall be set back at least 25 feet from street rights-of-way.

**(12) Light Vehicle Repair**

A light vehicle repair use shall comply with the following:

- (a) The minimum lot area shall be one acre.
- (b) All buildings shall be set back at least 100 feet from all property lines adjacent to property in a Residential district or with a residential use, and 50 feet from all other property lines.
- (c) All vehicles or materials awaiting use or repair shall be stored in an area completely screened from view of the street and adjacent property at the rear of the building.
- (d) All driveways, parking, loading, and circulation areas shall be paved with concrete or asphaltic material.

- (e) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable County, state, and federal requirements.
- (f) There shall be no above ground storage of gasoline, diesel fuel, or oil.

**(E) Industrial Uses**

**(1) Rock Quarries and Mining**

All rock quarries and mining uses shall comply with the following standards:

**(a) Purpose**

The purpose of these standards is to control rock quarries and mining operations to minimize conflicts with adjacent land uses and to ensure that the land where the uses are located is restored at the completion of the quarrying or mining operations.

**(b) Compliance with State and Federal Regulations**

All aspects of the rock quarry or mining operation shall comply with applicable state and federal law and regulations.

**(c) Activities Permitted with a Special Exception**

In addition to the principal use of rock quarries and mining, the following uses may be authorized with a special exception in accordance with Sec. 2.5.4, Special Exception Permit:

1. The removal, crushing, washing, refining, borrowing, or processing of material.
2. In rock quarries, the production of manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.
3. The manufacturing of concrete building blocks or other similar blocks, if conducted on the site, the production or manufacture of lime products, the production of ready-mixed concrete, and any similar production of manufacturing processes that might be related to the extractive operations.

**(d) General Standards**

**1. Geotechnical Assessment**

A geotechnical assessment shall be prepared by a qualified engineer and submitted as part of the application for a special exception.

**2. Operational Plan**

An operational plan shall be submitted with the application for a special exception, and shall demonstrate compliance with the following:

- i. Extractive operations shall be conducted as to have no adverse impact on intermittent or perennial streams.
- ii. Initial stripping operations and mining shall be conducted so as to facilitate backfilling and grading to approximately the original or rolling topography, and elimination of all high walls, spoil piles, and water-collecting depressions.
- iii. Operators shall conduct their operations so as to minimize adverse effects to streams.

**3. Dimensional Standards**

- i. There shall be a minimum lot area of 20 acres.
- ii. All structures and activities, except parking, fencing, and offices, shall be set back at least 1,000 feet from a property with a residential use that is in existence on the date the application for special exception is received by the Director.

- iii. All structures and activities shall be set back a minimum of 200 feet from all other property lines.
- iv. Quarrying or mining operations shall be set back at least 50 feet from all right-of-way lines of any existing or platted street, road, or highway, except that excavating may be conducted within such limits in order to reduce the elevation of the land to better conform with the existing or platted road.

**4. General Mitigation Requirements**

- i. All equipment used for mining operations shall be constructed, maintained, and operated in such a manner as to minimize noises, dust and vibrations adversely affecting the surrounding property.
- ii. Control measures shall be implemented on a continuing basis, during the time that the fill is being deposited on site, to mitigate air pollution and prevent the deposit of mud, dust, and debris, on public roads.
- iii. The operation of stationery and mobile equipment shall not cause vibrations in excess of that permitted by applicable state and federal law and regulations.
- iv. All blasting activities shall be conducted in accordance with state and federal law and regulations.
- v. Safety fencing shall be required around all of the quarrying or mining operations.

**5. Haul Roads and Traffic**

- i. The proposed location of all haul roads shall be shown in the operational plan. The haul roads shall be identified on the site by visible markings prior to commencement of construction and during operation.
- ii. If the haul road is to remain as a permanent road, it shall be left properly surfaced and drained for minimum maintenance by the landowner. If the road will be abandoned, it shall be graded to the approximate contour of the adjacent land and stabilized with adequate vegetation.
- iii. All haul roads from mining operations to public highways, roads or streets or to adjoining property shall be paved or surfaced to minimize dust.

**6. Grading**

- i. Slopes shall not exceed three feet horizontal to one foot vertical (3:1 ratio).
- ii. Grading and back filling may be accomplished by on-site material only. No materials from off-site may be used to grade or backfill.

**(e) Land Reclamation and Rehabilitation Upon Closure of Facility**

- 1. A closure plan for the reclamation and rehabilitation of the site after the quarrying or mining operation is completed shall be submitted and must be approved as part of the application for special exception.
- 2. The closure plan shall address security measures related to access to the site, use or abandonment of haul roads, revegetation of the site, and removal of all equipment, material, and structures.
- 3. Within 60 days after the final termination of a quarry or mining operation (either by decision of the operator or loss of state or federal permits) or within 60 days after abandonment of said operation for a period of six months, a major site plan in accordance with Sec. 2.5.5, Site Plan (Minor or Major), shall be submitted providing for the detailed final end use plan and/or open space plan for the site. The major site plan shall also include geotechnical engineering data on the length of time needed for restoration work associated with the end use plan to settle.

**(2) Brewery, Distillery, or Winery**

A brewery, distillery, or winery shall comply with the following standards:

**(a) Dimensional Standards**

In the IM and IH districts, the minimum lot size is 25 acres. Multiple contiguous parcels shall be consolidated into a single parcel that complies with the minimum lot size before the use may begin operation.

**(b) General Standards**

1. All activities associated with production, bottling, storage, and sales shall be conducted entirely within an enclosed structure. No outdoor storage of raw materials, byproducts, equipment, inventory, or any other items shall be permitted, except that raw materials or byproducts may be stored in silos or other appropriate structures.
2. The facility shall be maintained in a neat and clean condition and operated so as not to create a nuisance.
3. Conditions within the site shall be controlled to minimize noise and odor.
4. Byproducts or solid waste from the production shall be properly disposed of off the property. TDEC shall approve any on-site wastewater disposal system, and the permit approving the system shall state the approved waste loading and waste volume.
5. The use and all buildings and structures must comply with the applicable building code and permitting requirements.
6. All buildings not used for processing, distilling, bottling, tasting, and sales shall be located behind the rear building lines of the buildings utilized for processing, distilling, bottling, tasting, and sales.
7. Permanent restroom facilities shall be provided to accommodate the maximum number of simultaneous employees, non-employees, and visitors anticipated on the site and in accordance with adopted building codes.

**(c) Accessory Uses**

1. Where permitted by County, state, and federal law, the tasting and sales of beverages on site are permitted as accessory uses providing such tasting and sales uses are clearly subordinate to the production of the beverages.
2. A facility may include a warming kitchen for purpose of providing food to visitors and for events held on the premises. The warming kitchen shall be clearly subordinate to the production of beverages and shall not operate as a restaurant or as another use in the food and beverage services or retail sales and services use categories.

**(d) Setbacks and Buffer Requirements**

1. All buildings (except storage buildings of finished products and/or byproducts of the manufacturing process), parking lots, and areas used for activities shall be set back from adjoining property line in accordance with Table 4-8: Setback Requirements for Brewery, Distillery, and Winery Uses, based on the zone district in which the use is located and the zone district of adjoining property,
2. All buildings utilized for storage of the finished products and/or byproducts of the manufacturing process shall be located a minimum of 400 feet from adjoining property boundaries and shall be located behind the rear building lines of the buildings utilized for processing, bottling, tasting and sales.
3. All other buildings shall be located a minimum of 150 feet from the property line.

**Table 4-8: Setback Requirements for Brewery, Distillery, and Winery Uses**

Adjoining District	Zone District in Which Use Is Located
AF, RR, RG, PD-TND Districts, PD Districts with Only Residential Uses	400

**Table 4-8: Setback Requirements for Brewery, Distillery, and Winery Uses**

Adjoining District	Zone District in Which Use Is Located
RC, CN, CR, COR, O, M, IH Districts, PD Districts with Non-Residential Uses	250

**(3) Small-Scale Meat Processing Facility**

In addition to processing products grown on site for personal use of the property owner, the processing of agricultural products not grown or raised on the agricultural property is permitted as an accessory use of agricultural use subject to the following:

- (a) The use shall be operated in association with an existing agricultural use with a minimum lot area of 15 acres.
- (b) The use shall be located on the same property as the associated agricultural use or on adjoining property under the same ownership as the agricultural use.
- (c) Processing facilities, storage facilities and associated offices/preparation areas including parking area, shall not occupy more than five acres of the property. The processing area shall be subordinate and incidental in scope and size to the principal agricultural use of the property.
- (d) The processing facilities may not exceed 2,000 square feet in area for a parcel up to 30 acres in size; 3,000 square feet in area for a parcel with more than 30 and up to 45 acres in size; 5,000 square feet in area for a parcel with more than 45 and up to 75 acres in size, and 6,000 square feet (in a permanent structure) for a parcel with more than 75 acres in size.
- (e) All processing facilities shall be set back at least 100 feet from the property line and shall be screened from the adjoining property by landscaping buffers, provided that the Planning Commission finds that the screening is necessary to protect adjoining properties from visual and noise impacts of the processing facilities.
- (f) Any loading docks shall be placed to the rear or the side of the property and comply with the standards in Sec. 5.2.9, Off-Street Loading Area Standards.
- (g) The use shall be located on a public road. A licensed traffic engineer shall prepare a traffic study to determine sight distance safety and if the traffic generated will require any turn lanes for safe traffic movement in and out of the site.
- (h) A site plan must be approved by the Planning Commission prior to issuance of a building permit.
- (i) The use must comply with the applicable building codes and permitting requirements as well as all applicable regulations related to the treatment and disposal of wastewater.

**(4) Junk or Salvage Yard**

**(a) Purpose**

A junk or salvage yard may have visual, noise, dust, traffic, odor, and other impacts on surrounding properties and on the values of nearby properties. The purpose of this section is to include design standards that mitigate the impact of these uses on nearby property.

**(b) Minimum Lot Size**

The minimum lot size is 20 acres.

**(c) Screening**

All outdoor storage of junk, salvage, and wrecking operations shall be conducted entirely within an area enclosed by a fence or wall between eight and 12 feet in height. The fence or wall shall be maintained in good condition. Items within the outdoor storage area shall not be stacked higher than the height of the fence or wall.

**(d) Access and Egress**

Driveways shall be no greater than 25 feet in width, exclusive of curb returns, and the use shall have:

1. One driveway if the lot's street frontage is 100 feet or less; or
2. One or two driveways if the lot's street frontage is greater than 100 feet.

**(e) Setbacks and Separation**

1. All structures and operations associated with this use shall be set back:
  - i. At least 150 feet from the property line of a non-industrial and non-residential use; and
  - ii. At least 300 feet from any public road.
2. The use shall only be located on a site at least 1,000 feet from the nearest lot line of a property in a Residential zone district, in the AP zone district, or with a residential use.

**(f) Operational Standards**

1. Junk or salvage piles shall not exceed 15 feet in height and shall be arranged with interior drives to allow for adequate fire protection.
2. Burning junk or other materials is prohibited.
3. Any yard shall be maintained in a sanitary condition so as not to be a menace to public health or safety. All motor vehicles shall be stored or kept to minimize areas where mosquitoes may breed, and areas in which rats, mice, or other vermin may be harbored, reared, or propagated.

**(5) Self-Service Storage**

A self-service storage facility shall comply with the following standards:

**(a) General Standards**

1. The minimum lot area shall be five acres.
2. All buildings and outdoor storage areas related to the use shall be set back at least 150 feet from all lots with residential uses or in a Residential district.
3. All driveways, parking, loading, and circulation areas shall be paved with concrete or asphaltic material.
4. The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. Storage spaces, including outdoor storage areas, shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment; or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.
5. An accessory dwelling unit may be permitted for an office watchman.

**(b) Fencing and Screening**

1. All fences shall comply with the setback requirement of the underlying zone district.
2. All storage units with access from the exterior of the building shall be located behind the screen wall unless otherwise approved by the BZA or Planning Director, as applicable. Ornamental gates may be used for ingress and egress, and a total of 30 linear feet of ornamental fencing may be allowed adjacent to the primary customer ingress and egress gates.
3. Outdoor storage is permitted with the exception of inoperative vehicles.
4. All required landscaping shall be located outside of any fencing area.

**(6) Construction and Demolition Landfill, Private**

A private construction and demolition landfill shall comply with the following standards:

**(a) Lot Area**

The use shall be on a lot at least five acres in size.

**(b) Street Access**

1. Access to the site may be from any street, including a local street that is not bounded by a Residential zone district from the driveway to the local street's intersection with a collector or arterial street.
2. The applicant for the use shall prepare a traffic impact study that demonstrates the traffic generated by the site will only use streets with a Level of Service (LOS) of "D" or better, and that the LOS will remain "D" or better including traffic generated by the proposed use.

**(c) Setbacks and Separation**

1. All buildings, structures, storage containers and areas, and vehicle loading and unloading areas shall be set back:
  - i. At least 100 feet from a lot line;
  - ii. At least 250 feet from any Residential zone district;
  - iii. At least 500 feet from the lot line of any property that contains a Residential use; and
  - iv. At least 1,000 feet from any waterway listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act, measured from top of bank.
2. The site shall be at least 2,000 feet from the nearest lot line of a property with a school or park use.

**(d) Buffer**

In addition to complying with the standards in Sec. 5.3.8, Perimeter Buffers, the entire facility shall be enclosed by a chain link-type fence at least eight feet in height. The fence shall be patrolled each day to remove windblown debris captured by the fence.

**(e) Accessory Recycling Facility**

If located on the same lot as the construction and demolition landfill, a recycling facility shall be permitted as an accessory use provided it accepts construction/demolition waste only. All loading, unloading, compacting, sorting, processing, and storage shall take place within a completely enclosed building.

**(f) Additional Approval Required**

Prior to submitting an application for a major site plan for a private construction and demolition landfill to the Planning Commission in accordance with Sec. 2.5.5, Site Plan (Minor or Major), the applicant shall secure approval of the use by the County Commission and any applicable local government in accordance with T.C.A. § 67-211-701, *et seq.*, and from any applicable local or regional solid waste board.

**(7) Recycling Facility, Private**

A private recycling facility shall comply with the following standards:

**(a) Lot Area**

The use shall be on a lot at least one acre in size.

**(b) Street Access**

1. Access to the site may be from any street, including a local street only if the street is not bounded by a residential zone district from the driveway to the local street's intersection with a collector or arterial street.
2. The applicant for the use shall prepare a traffic impact study that demonstrates the traffic generated by the site will only use streets with a Level of Service (LOS) of "D" or better, and that the LOS will remain "D" or better including traffic generated by the proposed use.

**(c) Setbacks**

All buildings, structures, storage containers and areas, and vehicle loading and unloading areas shall be set back:

1. At least 150 feet from a lot in a Residential zone district or a lot that contains a Residential use.
2. At least 1,000 feet from any waterway listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act, measured from top of bank.

**(d) Buffer**

In addition to complying with the standards in Sec. 5.3.8, Perimeter Buffers, the use shall comply with the following:

1. When abutting land in a Residential zone district or a lot with a Residential use, the site shall be enclosed by an opaque wall at least eight feet in height that is located between the facility and the buffer required by Sec. 5.3.8, Perimeter Buffers.
2. When abutting land that is not in a Residential zone district and that does not have a Residential use, the entire facility shall be enclosed by a chain link-type fence at least eight feet in height. The fence shall be patrolled each day to remove windblown debris captured by the fence.

**(e) Limitation on Sorting, Storage, and Processing Activities**

1. All compacting, sorting, processing, or storage shall take place within a completely enclosed building. All enclosed areas shall have concrete floors or floors made of some other hard material that is easily cleanable.
2. All loading and unloading shall take place:
  - i. On a partially enclosed loading dock, when the loading dock connects directly to the completely enclosed building in which compacting, sorting, processing or storage takes place; or
  - ii. Within a completely enclosed building. If a recycling facility utilizes a loading dock for loading and unloading, the loading dock shall not be used for storage and shall be cleaned of all materials at the close of each business day. The areas around loading docks and other high-traffic areas shall be paved.

**(f) Hours of Operation**

The hours of operation for a recycling facility located adjacent to a Residential zone district shall be limited to between 7 am and 6 pm.

**(g) Use Limitations**

This use shall not involve the recycling, repurposing, or processing of tires, hazardous materials, or medical waste.

**(h) Additional Approvals**

Prior to submitting an application for a major site plan for a private recycling facility to the Planning Commission in accordance with Sec. 2.5.5, Site Plan (Minor or Major), the applicant shall secure approval of the use by the County Commission and any applicable local government in accordance with T.C.A. § 67-211-701, *et seq.*, and from any applicable local or regional solid waste board.

**(8) Sanitary Landfill, Private**

A private sanitary landfill shall comply with the following standards:

**(a) Lot Area**

The use shall be on a lot at least 100 acres in size.

**(b) Street Access**

1. Access to the site shall be from a street with a street with an arterial or higher classification, or from a collector street only if it is not bounded by a Residential zone district from the driveway to the local street's intersection with a collector or arterial street.
2. The applicant for the use shall prepare a traffic impact study that demonstrates the traffic generated by the site will only use streets with a Level of Service (LOS) of "D" or better, and that the LOS will remain "D" or better including traffic generated by the proposed use.

**(c) Setbacks and Separation**

1. All buildings, structures, storage containers and areas, and vehicle loading and unloading areas shall be set back:
  - i. At least 100 feet from a lot line;
  - ii. At least 250 feet from any Residential zone district;
  - iii. At least 500 feet from the lot line of any property that contains a Residential use; and
  - iv. At least 1,000 feet from any waterway listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act, measured from top of bank.
2. The site shall be at least 2,000 feet from the nearest lot line of a property with a school or park use.

**(d) Use Limitations**

This use shall not accept any hazardous or medical waste.

**(e) Additional Approvals**

Prior to submitting an application for a major site plan for a sanitary landfill to the Planning Commission in accordance with Sec. 2.5.5, Site Plan (Minor or Major), the applicant shall secure approval of the use by the County Commission and any applicable local government in accordance with T.C.A. § 67-211-701, *et seq.*, and from any applicable local or regional solid waste board.

**(9) Transfer Station, Private**

A private transfer station shall comply with the following standards:

**(a) Lot Area**

The use shall be on a lot at least one acre in size.

**(b) Street Access**

1. Access to the site shall be from a street with a collector or higher classification.
2. The applicant for the use shall prepare a traffic impact study that demonstrates the traffic generated by the site will only use streets with a Level of Service (LOS) of "D" or better, and that the LOS will remain "D" or better including traffic generated by the proposed use.

**(c) Setbacks and Separation**

1. All buildings, structures, storage containers and areas, and vehicle loading and unloading areas shall be set back:
  - i. At least 100 feet from a lot line;
  - ii. At least 250 feet from any Residential zone district;
  - iii. At least 500 feet from the lot line of any property that contains a Residential use; and
  - iv. At least 1,000 feet from any waterway listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act, measured from top of bank.

2. The use shall only be located on a site at least 2,000 feet from the nearest lot line of a property with a school or park use.

**(d) Buffer**

In addition to complying with the standards in Sec. 5.3.8, Perimeter Buffers, the use shall comply with the following:

1. When abutting land in a Residential zone district or a lot with a Residential use, the site shall be enclosed by an **opaque** at least eight feet in height that is located between the facility and the buffer required by Sec. 5.3.8, Perimeter Buffers.
2. When abutting land that is not in a Residential zone district and that does not have a Residential use, the entire facility shall be enclosed by a chain link-type fence at least eight feet in height. The fence shall be patrolled each day to remove windblown debris captured by the fence.

**(e) Limitation on Sorting, Storage, and Processing Activities**

1. All compacting, sorting, processing, or storage shall take place within a completely enclosed building. All enclosed areas shall have concrete floors or floors made of some other hard material that is easily cleanable.
2. All loading and unloading shall take place:
  - i. On a partially enclosed loading dock, when the loading dock connects directly to the completely enclosed building in which compacting, sorting, processing, or storage takes place; or
  - ii. Within a completely enclosed building. If the transfer station utilizes a loading dock for loading and unloading, the loading dock shall not be used for storage and shall be cleaned of all materials at the close of each business day. The areas around loading docks and other high-traffic areas shall be paved.

**(f) Vehicular Stacking and Maneuvering**

In addition to the standards in Sec. 5.2.9, Off-Street Loading Area Standards, the site shall provide on-site truck stacking and maneuvering areas adequate to accommodate the anticipate vehicular usage of the transfer station, depending upon the size and nature of the facility. The stacking and maneuvering area shall be completely screened by solid masonry walls at least six feet in height with landscaping. No truck stacking and maneuvering area shall be permitted within the required front and side setbacks.

**(g) Operational Standards**

1. The hours of operation for a transfer station located adjacent to a Residential zone district shall be limited to between 7 am and 6 pm.
2. Any water flow resulting from the use of wash facilities shall be contained on site and disposed of through an on-site drainage system, in accordance with applicable County and state regulations, including any required NPDES permits.
3. Material recovery facilities may be permitted in conjunction with a solid waste transfer station.
4. No solid waste may be stored overnight. Recyclables may be stored overnight within appropriate storage containers or bales stored inside the enclosed facilities.
5. All incoming or outgoing trucks shall be equipped with and utilize a proper cover.

**(h) Use Limitations**

This use shall not involve the recycling, repurposing, or processing of tires, hazardous materials, or medical waste.

**(i) Additional Approvals**

Prior to submitting an application for a major site plan for a transfer station to the Planning Commission in accordance with Sec. 2.5.5, Site Plan (Minor or Major), the applicant shall secure approval of the use by the County Commission and any applicable local government in accordance with T.C.A. § 67-211-701, *et seq.*, and from any applicable local or regional solid waste board.

**(10) Waste Processing or Recycling Recovery Facility, Private**

A private waste processing or recycling recovery facility shall comply with the following standards:

**(a) Lot Area**

The use shall be on a lot at least five acres in size.

**(b) Street Access**

1. Access to the site may be from any street, including a local street only if it is not bounded by a Residential zone district from the driveway to the local street's intersection with a collector or arterial street.
2. The applicant for the use shall prepare a traffic impact study that demonstrates the traffic generated by the site will only use streets with a Level of Service (LOS) of "D" or better, and that the LOS will remain "D" or better including traffic generated by the proposed use.

**(c) Setbacks and Separation**

1. All buildings, structures, storage containers/areas, and vehicle loading and unloading areas shall be set back:
  - i. At least 100 feet from a lot line;
  - ii. At least 250 feet from any Residential zone district;
  - iii. At least 500 feet from any property that contains a Residential use; and
  - iv. At least 1,000 feet from any waterway listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act, measured from top of bank.
2. The use shall only be located on a site at least 2,000 feet from the nearest lot line of a property with a school or park use.

**(d) Buffer**

In addition to complying with the standards in Sec. 5.3.8, Perimeter Buffers, the entire facility shall be enclosed by a chain link-type fence at least eight feet in height. The fence shall be patrolled each day to remove windblown debris captured by the fence.

**(e) Limitation on Sorting, Storage, and Processing Activities**

All loading, unloading, compacting, sorting, processing or storage shall take place within a completely enclosed building.

**(f) Operation Plan**

The application for a site plan for a waste processing or recycling recovery facility shall include an operations plan that identifies the following:

**1. Waste Manager**

The plan shall designate and identify a person who will be responsible for all waste management, and shall provide the individual's name, title, mailing address, e-mail address, fax number (if available), and a phone number that is always answered to respond and handle all concerns involving the site's recycling methods, processes, materials, and flow of debris on and off-site.

**2. Operations Detail**

The plan shall describe the operation of the facility with specificity, including but not limited what materials will be accepted, the number of employees, storage of unprocessed materials, and number of vehicles expected to enter or exit the facility on a daily basis, If hazardous waste will be collected, processed, or stored, the plan shall describe the measures that will be taken to properly store the materials, how long they will be stored, and what those hazardous materials consist of, and demonstrate that all state and federal permits have been received. Specifically, the operation plan shall include:

- i. The type and estimated quantity of materials, including putrescible waste, to be generated, recovered, reused, salvaged, separated, and processed on-site as well as off-site, including those materials that will be sold on the premises or off-site;
- ii. The on-site separation and storage methods to ensure salvaged materials are not contaminated before being reused on-site, transferred to an off-site location for further salvage or storage, or sold or given away to other entities;
- iii. The method and frequency of collection materials;
- iv. The number of cubic yards to be stored on-site at any one time of processed and unprocessed materials;
- v. The on-site storage method for each of the types of materials noted above;
- vi. The on-site storage location for each of the types of materials noted above;
- vii. The recycling facilities and landfills that will receive the types of materials noted above;
- viii. The hauling companies that will transport the types of materials noted above; and
- ix. A description of the on-site storage method and off-site transport methods that will be used to prevent dirt and materials from creating drift or becoming airborne, producing odors, leaking, littering, or generating runoff due to wet conditions due to weather or man-made activities so as not to create a health hazard, public nuisance, or fire hazard.

**3. Hours of Operation**

The plan shall indicate the facility's hours of operation. The hours of operation for a recycling facility located adjacent to a Residential zone district shall be limited to between 7 am and 6 pm.

**4. Trash Dumpsters**

The plan shall indicate the location of all trash dumpsters on the property for waste not to be recovered or generated.

**5. Security**

The plan shall describe how the property will be secured to prevent illegal theft of materials and dumping, including details of exterior lighting.

**(g) Sale of Materials**

Materials from the site that have been recycled, salvaged, recovered, or excavated may be given away, sold on the premises, or removed for reuse.

**(h) Compliance with Local, State, and Federal Law**

All operations and activities shall comply with all TDEC rules and regulations and all other applicable local, state, and federal laws and regulations.

**(i) Additional Approvals**

Prior to submitting an application for a major site plan for a waste processing or recycling recover facility to the Planning Commission in accordance with Sec. 2.5.5,

Site Plan (Minor or Major), the applicant shall secure approval of the use by the County Commission and any applicable local government in accordance with T.C.A. § 67-211-701, *et seq.*, and from any applicable local or regional solid waste board.

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## Section 4.3 Accessory Uses and Structures

### 4.3.1. General

#### (A) Purpose and Intent

The purpose of this Section is to authorize the establishment and continuation of accessory uses and structures, which are uses and structures that are incidental and customarily subordinate to principal uses.

#### (B) Organization of this Section

Table 4-9: Accessory Use and Structure Table, identifies accessory uses and structures and the zone districts in which they are allowed. Section 4.3.3, Standards for All Accessory Uses and Structures, establishes general standards applicable to all accessory uses and structures. Section 4.3.4, Standards Specific to Accessory Uses and Structures, sets out particular standards applicable to specific accessory uses and structures.

### 4.3.2. Accessory Use/Structure Table

#### (A) Organization and Applicability

Table 4-9: Accessory Use and Structure Table, lists accessory uses and structures in alphabetical order.

#### (B) Explanation of Table and Abbreviations

For each listed accessory use or structure in Table 4-9, the first column of each row identifies its name. The entries in the cells formed by the intersection of a zone district column and an accessory use or structure row indicate whether an accessory use or structure is permitted in a particular zone district, as follows:

##### (1) Accessory Uses and Structures Permitted By-Right

- (a) "P" in a cell other than a PD district column indicates that the accessory use or structure is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
- (b) "A" in a cell in a PD district column means that the accessory use or structure is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.4.2(E), Planned Development (PD) Plan, and Section 3.4.2(F), Planned Development (PD) Agreement.

##### (2) Prohibited Uses

A blank cell indicates that the accessory use or structure is prohibited in the zone district.

##### (3) Use-Specific Standards

A particular accessory use or structure may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.3.4, Standards Specific to Accessory Uses and Structures, that apply to the accessory use or structure.

##### (4) Definitions

Accessory uses and structures are defined in Section 8.5, Definitions.

**(C) Unlisted Uses**

The Director shall determine whether an unlisted accessory use is similar to an accessory use identified in Table 4-9: Accessory Use and Structure Table, in accordance with 2.5.17, Interpretation. In making the interpretation, the Director shall consider the following:

- (1) Accessory uses identified in Table 4-9: Accessory Use and Structure Table;
- (2) The definition of accessory uses and structures (see Section 8.5, Definitions), and the general accessory use and structure standards established in Section 4.3.3, Standards for All Accessory Uses and Structures;
- (3) The additional standards for specific accessory uses established in Section 4.3.4, Standards Specific to Accessory Uses and Structures;
- (4) The purpose and intent of the zone district in which the accessory use or structure is located (see Article 3: Zone Districts);
- (5) Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses or structures permitted in the zone district; and
- (6) The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses permitted in the zone district.

**(D) Accessory Use and Structure Table**

The accessory use and structure table is established in Table 4-9: Accessory Use and Structure Table.

<b>Table 4-9: Accessory Use and Structure Table</b>														
P = Permitted      A = Allowed in PD      S = Special Exception      Blank = Not Permitted														
<b>Use Category/Type</b>	<b>Zone Districts</b>												<b>Use-Specific Standards</b>	
	<b>Ag./Res.</b>				<b>Commercial</b>									<b>PD</b>
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD		
Accessory dwelling unit	P	P	P	S	S								A	4.3.4(A)
Antenna	P	P	P	P	P	P	P	P	P	P	P	P	A	
Automated teller machine (ATM)					P	P	P	P	P	P	P	P	A	
Caretaker dwelling									P	P	P	P	A	
Carport or garage	P	P	P	P	P	P	P	P	P	P	P	P	A	
Child care home	P	P	P	P	P	P							A	4.3.4(B)
Day care center, accessory to an institutional use														4.3.4(C)
Drive-through facility					P		P	P	P	P	P	P	A	4.3.4(D)
Electric vehicle level 1 or 2 charging station	P	P	P	P	P	P	P	P	P	P	P	P	A	
Electric vehicle level 3 charging station	P	P	P	P	P	P	P	P	P	P	P	P	A	
Family burial ground	P	P	P	P	P	P	P	P					A	4.3.4(E)
Greenhouse	P	P	P	P	P	P	P	P	P	P	P	P	A	
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.4(F)
Limited wood assembly	S												A	4.3.4(G)
Outdoor display of merchandise					P	P	P	P	P				A	4.3.4(H)
Outdoor seating or activity area	P				P	P	P	P	P	P	P	P	A	4.3.4(I)
Outdoor storage area	P	P	P	P	P	P	P	P	P	P	P	P	A	
Residential business	S	S	S		S								A	4.3.4(J)
Satellite dish, accessory	P	P	P	P	P	P	P	P	P	P	P	P	A	
Solar energy conversion system, small-scale	P	P	S	S	P	P	P	P	P	P	P	P	A	
Storage building	P	P	P	P	P	P	P	P	P	P	P	P	A	
Swimming pool	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.4(K)

<b>Table 4-9: Accessory Use and Structure Table</b>														
P = Permitted				A = Allowed in PD				S = Special Exception				Blank = Not Permitted		
Use Category/Type	Zone Districts													Use-Specific Standards
	Ag./Res.				Commercial								PD	
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD		
Wind energy conversion system, small	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.4(L)

**4.3.3. Standards for All Accessory Uses and Structures**

- (A) All accessory uses and structures shall conform to the applicable requirements of this Ordinance, including the standards for the zone district in which they are located (see Article 3: Zone Districts), the use regulations in this article, and the development standards in Article 5: Development Standards.
- (B) All accessory uses and structures shall:
  - (1) Be customarily accessory and clearly incidental to the principal use and structure;
  - (2) Be subordinate to and serve the principal use and structure;
  - (3) Be subordinate in area, intent, and purpose to the principal use and structure; and
  - (4) Not cover more than 20 percent of the lot area.
- (C) On a lot with an area less than five acres, accessory structures shall:
  - (1) Only be permitted in the rear yard; and
  - (2) Be set back a minimum of 15 feet from side and rear property lines.
- (D) On a lot with an area of five acres or greater, accessory structures shall:
  - (1) Be located in the rear yard, and set back a minimum of 15 feet from side and rear property lines;
  - (2) Be located in the side yard and comply with the side setbacks that apply in the underlying base zone district; or
  - (3) Be located in a front yard, and set back at least 200 feet from the front property line and comply with the side setbacks that apply in the underlying base zone district.
- (E) The maximum size of an accessory structure shall comply with the following:
  - (1) On lots that are one acre or less in size, no single accessory structure shall be larger than 75 percent of the total square footage of the principal structure or 2,000 square feet, whichever is less.
  - (2) On lots that are greater than one acre in size, no single accessory structure shall be larger than 75 percent of the total square footage of the principal structure or 2,000 square feet, whichever is greater.
  - (3) On lots greater than five acres in size, accessory structures may exceed the standards in subsection (2) above if they comply with the setbacks that apply to principal structures in the underlying base zone district.

**4.3.4. Standards Specific to Accessory Uses and Structures**

- (A) **Accessory Dwelling Unit**  
An accessory dwelling unit shall comply with the following standards:
  - (1) Only one accessory dwelling unit is permitted on a single lot.
  - (2) An accessory dwelling unit shall not exceed 750 square feet or 30 percent of the square footage of the principal dwelling, whichever is greater. In no case shall the size of the accessory unit dwelling exceed 75 percent of the square footage of the principal dwelling.

- (3) Accessory dwelling units may be constructed within an existing dwelling unit (interior apartment) or as a separate or converted accessory structure (e.g., converted garage, carriage house, or stable).
- (4) Mobile homes are only permitted as accessory dwelling units in zone districts in which mobile homes are permitted as a principal use in Table 4-1: Principal Use Table.
- (5) The applicant shall record a deed restriction with the Register of Deeds that states no additions to the accessory dwelling will be permitted unless the property and the structure can meet the current dimensional requirements for division of the property. A copy of the recorded deed restriction shall be provided to the Director prior to obtaining an approved zoning certificate and building permit.
- (6) Interior apartments may be contained within the existing house or attached onto the exterior. However, they shall be constructed so that the exterior appearance of a single-family home is maintained. A second front door is not permitted. Any additions to the existing living quarters must comply with all the dimensional requirements of the applicable zone district.

**(B) Child Care Home**

A child care home shall be licensed by the state in accordance with Tenn. Comp. R. & Regs. 240-04-01.03.

**(C) Day Care Center, Accessory to an Institutional Use**

A day care center is permitted as accessory to a use in the Civic and Institutional Use Classification, in accordance with the following standards:

- (1) The minimum lot area shall be two acres.
- (2) The day care center shall obtain a license(s) to operate the facility from all required County, state, and federal agencies, including, but not limited to, the state Department of Human Services.
- (3) The day care center shall service a maximum of 100 children or adults.
- (4) No day care center shall be established that meets in a structure which was originally a residence.
- (5) All play areas shall be fenced and set back from side and rear property lines a minimum of 40 feet.
- (6) Adequate buffering shall be provided between play areas and residential lots in accordance with Section 5.3, Landscaping Standards.
- (7) All refuse shall be contained in completely enclosed facilities and located to the rear of the building.
- (8) Only one sign shall be permitted in addition to any signs permitted for the institutional use sign. The permitted sign shall not exceed 10 square feet in sign area nor exceed four feet in height.
- (9) The use shall demonstrate that adequate wastewater capacity exists to serve the day care use.

**(D) Drive-Through Facility**

- (1) Internal traffic circulation patterns on the site shall not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.
- (2) Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- (3) Stacking lanes shall be provided in accordance with Sec. 5.2.8, Vehicle Stacking Standards.
- (4) No portion of a drive-through facility shall be located within 50 feet of a Residential zone district or a lot containing a Residential use.

**(E) Family Burial Ground**

A family burial ground is permitted on a site where there is a current residential use, subject to the following standards:

- (1) The minimum lot size shall be five acres.
- (2) All graves or burial lots shall be set back at least 25 feet from a lot line and 50 feet from any public right-of-way, and shall be set back at least 20 feet from any other building or structure on the site.
- (3) Before the use may be initiated, the property owner shall file with the Maury County Register of Deeds an amended deed for the lot on which the family burial ground is located that identifies the portion of the lot that will be used for the family burial ground.
- (4) The family burial ground shall comply with all requirements in Title 46, Cemeteries, T.C.A.
- (5) All family burial grounds commenced after the effective date of this Ordinance shall include a trust in accordance with T.C.A. §§ 46-7-101, *et seq.*, as may be amended. Proof of the formation of the trust shall be filed with the Department prior to final approval of the Family Burial Ground.

**(F) Home Occupation**

A home occupation shall comply with the following:

**(1) General Standards**

- (a) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the property.
- (b) The only persons who may engage in the home occupation on the site of the residential dwelling unit are members of the family residing on the premises, and one additional person.
- (c) The home occupation shall not occupy more than 25 percent of the total square footage of the dwelling.
- (d) The site shall not be a storage facility for a business conducted elsewhere, and shall not serve as a gathering place for employees, vehicles, or equipment engaged in business that takes place off the premises.
- (e) The home occupation shall not generate traffic in greater volumes than would normally be expected in the residential area where the home occupation is located. Any need for parking generated by the home occupation shall be met between the principal building on the site and the rear yard.
- (f) One sign with a maximum sign area of two square feet is permitted in addition to the signage authorized for the residential use in Section 5.11, Sign Standards.
- (g) All activities related to the home occupation shall take place in the principal dwelling.
- (h) Outdoor storage of materials, goods, or equipment used in the home occupation is prohibited.
- (i) No more than one commercial vehicle, not exceeding 24 feet in length, may be stored on site.
- (j) No more than three vehicles of non-resident employees or clients may be parked on the site at one time.
- (k) The home occupation shall not generate noise, vibration, odor, discharge of materials, fluids, gasses, excessive lighting, glare, fumes, electrical interference, or any similar activity that causes a nuisance to nearby property owners or that adversely affects their health, safety, or tranquility.
- (l) The dwelling shall not serve as a storage facility for a business conducted elsewhere.
- (m) No products shall be manufactured in the home occupation except for arts and crafts produced by hand.
- (n) Outdoor lighting shall comply with the standards in Section 5.4, Exterior Lighting Standards.

- (o) Hazardous materials may not be stored on site.
- (p) If required, the owner of the home occupation shall obtain a business license from the County.

**(2) Prohibited Home Occupations**

Notwithstanding subsection (1) above, the following uses may not be operated as home occupations:

- (a) Animal kennels;
- (b) Use types in the Funeral Services Category;
- (c) Use types in the Adult Business category;
- (d) Use types in the Food and Beverage Services category;
- (e) Use types in the Vehicle-Related Uses category;
- (f) Any uses involving the repair of machinery;
- (g) Retail sales establishment uses, except for the sale of hand-made goods made on the premises. and
- (h) Use types in the Industrial Uses classification.

**(3) Permitted Home Occupations**

The following non-exhaustive list of use types are specifically permitted as home occupations, subject to the standards in subsection (1) above:

- (a) Animal grooming;
- (b) General office use types; and
- (c) Small-scale personal services establishment uses, such as barber or beauty services, nail salons, and the like;

**(G) Limited Wood Assembly**

**(1) Minimum Lot Size**

The minimum lot size is five acres.

**(2) Setbacks**

A limited wood assembly activity shall be set back at least 300 feet from the front property line, and at least 100 feet from all other property lines.

**(3) Floor Area and Employee Limitations**

All limited wood assembly activities shall take place in a single accessory building. The total floor area of the accessory building in which the limited wood assembly activities take place, the total area on the site devoted to the limited wood assembly activity (including for example the accessory building, storage sheds, outside storage, parking, and areas for loading and unloading), and the number of employees on site shall not exceed the limits set forth in Table 4-10: Limited Wood Assembly Area Limits, based on the size of the property on which the activity takes place.

**Table 4-10: Limited Wood Assembly Area Limits**

Property Size	Maximum Floor Area, Accessory Building	Maximum Total Activity Area	Maximum Number of Employees
Fewer than 5 acres	Not permitted	Not permitted	n/a
At least 5, up to 10 acres	2,500 square feet	1 acre	5
At least 10, up to 15 acres	3,750 square feet	2 acres	6
At least 15, up to 20 acres	5,000 square feet	3 acres	7
At least 20, up to 25 acres	7,500 square feet	4 acres	8
25 or more acres	10,000 square feet	5 acres	9 [1]

**Table 4-10: Limited Wood Assembly Area Limits**

<b>Property Size</b>	<b>Maximum Floor Area, Accessory Building</b>	<b>Maximum Total Activity Area</b>	<b>Maximum Number of Employees</b>
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**NOTES:**

[1] On properties larger than 25 acres in size, one additional employee is permitted for every five additional acres of lot size, up to a maximum total of 15 employees for a lot that is 55 acres or larger.

**(4) Development Standards**

- (a) No loading or unloading activity or parking associated with the limited wood assembly shall take place on a public street or public right-of-way.
- (b) All outside storage shall be located to the rear of the accessory building in which the activity takes place.
- (c) All limited wood assembly activities shall be screened from the street and from adjoining properties using a slatted fence.
- (d) One non-illuminated sign with a maximum sign area of 32 square feet is permitted.

**(5) Operational Standards**

- (a) Except for the sale of products produced on the property through the limited wood assembly activity, retail sales are prohibited.
- (b) The limited wood assembly activity shall not cause nuisance effects that would adversely affect the health, safety, and tranquility of the neighborhood. Nuisances include noise, vibration, odor, discharge of materials, fluids, gases, excessive lighting, glare, fumes, electrical interference, or similar impacts.

**(H) Outdoor Display of Merchandise**

- (1) All outdoor display of merchandise shall be located immediately adjacent to the principal building and outside of all drive aisles, loading zones, fire lanes, sidewalks, required parking, and required landscaping yards.
- (2) The area used for outdoor display of merchandise shall not exceed 35 percent of the gross floor area occupied by the principal use.

**(I) Outdoor Seating or Activity Area**

An outdoor seating or activity area shall not be placed in the public right-of-way unless the appropriate permit has been acquired from the County.

**(J) Residential Business**

A residential business shall comply with the following:

**(1) General Standards**

- (a) The residential business shall be conducted entirely within the dwelling or in an accessory building.
- (b) Only one residential business may be operated on a single lot.
- (c) The minimum lot area shall be five acres.
- (d) The residential business shall be owned and operated by a resident of the principal dwelling. No more than three other persons shall be employed on-site in the residential business or in the vicinity to establish any solar easement designed to protect solar access for residential business and home occupation combined (when both occur on the same parcel).
- (e) The residential businesses may not serve as a gathering place for additional employees engaged in the business that takes place off the premises

**(2) Size Limitations**

- (a) If conducted within the principal dwelling, no more than 25 percent of the total square footage of the dwelling shall be used.

- (b) The portion of the residential business conducted within an accessory structure shall comply with the following:
  - 1. The structure shall not exceed 2,000 square feet in interior gross floor area or 75 percent of the total square footage of the principal dwelling, whichever is less.
  - 2. Only one accessory structure shall be used, in addition to the principal dwelling.
  - 3. The accessory structure shall meet all applicable setbacks that apply to accessory structures.
- (c) Where a residential business and home occupation are located on the same lot, the total floor area for the residential business and home occupation shall not exceed the size limitations in subsections (b)1 and (b)2 above.
- (d) The residential business shall not contain a storage facility for a business conducted elsewhere. The storage of tractor trailers, semi-trucks, construction equipment, or any other heavy equipment is prohibited.
- (e) All materials, goods, or equipment incidental to the residential business shall be stored within an approved structure.
- (f) Only one sign with up to three square feet in sign area is permitted.

**(3) Permitted Residential Business**

The following uses from Table 4-1: Principal Use Table are the only uses that may be operated as a residential business:

- (a) General office (including home recording studios); and
- (b) Personal services establishment.

**(K) Swimming Pool**

- (1) The following standards apply to swimming pools located in the Residential zone districts or that are accessory to residential uses:
  - (a) No part of the swimming pool (excluding aprons and walks) shall extend into the front yard.
  - (b) The swimming pool shall be intended and shall be used solely for the enjoyment of the occupants of the property on which it is located, and their guests.
  - (c) The swimming pool shall include a pool alarm in accordance with TCA § 68-14-801 *et seq.*
- (2) For in-ground pools or above-ground pools with sidewall height of less than four feet, the area around the swimming pool shall be enclosed by a lockable wall or fence to prevent uncontrolled access by children and pets, and persons from adjacent properties. The wall or fence shall be at least four feet in height. A fence which uses dividers such as horizontal or vertical slats, spindles, or wrought iron shall be designed so there is no spacing that allows the passage of an object larger than four inches in diameter.
- (3) For above ground pools with a side wall height of four feet or greater, a lockable ladder may be used in lieu of a fence to prevent uncontrolled access.

**(L) Wind Energy Conversion System, Small**

- (1) Tower-mounted small-scale wind energy systems shall not be located between the front lot line and the principal building on the site.
- (2) The system shall be set back a minimum distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.
- (3) The maximum height of a system (including the tower and extended blades) shall be 60 feet if it is free-standing. If a system is mounted on the roof of an existing building, the maximum height shall be 20 feet above the existing building height.
- (4) The noise produced by the wind turbine under normal operating conditions, as measured at the lot line abutting an existing residential use, shall not exceed 55 dBA at any time. The

55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages or severe windstorms.

- (5) The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray or white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors are prohibited.
- (6) The blade tip or vane of a small-scale wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.
- (7) The turbine or tower shall not be illuminated unless required by the FAA.
- (8) Wind turbines shall not be readily climbable for the first 15 feet of the turbine.
- (9) Signage shall not be allowed on the wind turbine. Signage may be posted on the fence near the entrance gate(s) or at the base of the tower identifying manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- (10) If use of the facility is discontinued for a continuous period of six months, the County shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the County. The owner shall remove the facility (including all towers, turbines, and above-ground structures and equipment) within 90 days after a notice of termination is filed.

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## Section 4.4 Temporary Uses and Structures

### 4.4.1. General

The purpose of this Section is to authorize the establishment of certain temporary uses and structures, which are uses and structures of a limited duration. This section identifies the zone districts in which temporary uses and structures are allowed, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

### 4.4.2. Temporary Use and Structure Table

#### (A) Organization and Applicability

Table 4-11: Temporary Use and Structure Table lists temporary uses and structures in alphabetical order.

#### (B) Explanation of Table and Abbreviations

For each listed temporary use or structure in Table 4-11, the first column of each row identifies its name. The entries in the cells formed by the intersection of a zone district column and a temporary use or structure row indicate whether a temporary use or structure is permitted in a particular zone district, as follows:

##### (1) Temporary Uses and Structures Permitted By-Right

- (a) "P" in a cell other than a PD district column indicates that the temporary use or structure is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
- (b) "T" in a cell other than a PD district column indicates that the temporary use or structure is allowed only following issuance of a temporary use permit in accordance with Sec. 2.5.9, Temporary Use Permit, and subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.

(c) “A” in a cell in a PD district column means that the temporary use or structure is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.4.2(E), Planned Development (PD) Plan, and Section 3.4.2(F), Planned Development (PD) Agreement.

**(2) Prohibited Uses**

A blank cell indicates that the temporary use or structure is prohibited in the zone district.

**(3) Use-Specific Standards**

A particular temporary use or structure may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.4.3, Standards Specific to Temporary Uses and Structures, that apply to the temporary use or structure.

**(4) Definitions**

Temporary uses and structures are defined in Section 8.5, Definitions.

**(C) Temporary Use and Structure Table**

The temporary use and structure table is established in Table 4-11: Temporary Use and Structure Table.

<b>Table 4-11: Temporary Use and Structure Table</b>														
P = Permitted		A = Allowed in PD				T = Permit Required				Blank = Not Permitted				
Use Category/Type	Zone Districts												Use-Specific Standards	
	Ag./Res.				Commercial									PD
	AP	RR	RG	RN	CR	CN	CC	COR	IL	IM	IH	PD		
Agricultural produce stand	P	P											A	4.4.3(A)
Christmas tree sales	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(B)
Construction-related building	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(C)
Fireworks sales stand	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(D)
Portable storage container	P	P	P	P	P	P	P	P	P	P	P	P	A	4.4.3(E)
Special event	T	T	T	T	T	T	T	T		T	T		AT	4.4.3(F)
Temporary dwelling unit for cases other than medical hardship	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(G)
Temporary extractive use	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(H)
Temporary family healthcare structure	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(I)
Temporary real estate sales office	T	T	T	T	T	T							AT	4.4.3(J)
Temporary road material manufacture	T				T	T	T	T	T	T	T	T	AT	4.4.3(K)

**4.4.3. Standards Specific to Temporary Uses and Structures**

**(A) Agricultural Produce Stand**

- (1) Structures shall be set back from the road at least 35 feet.
- (2) Structures used for sales shall be removed when not in use.
- (3) The permit shall be issued for a five-month period, with no renewal.

**(B) Christmas Tree Sales**

A permit shall be valid for up to 30 days.

**(C) Construction-Related Building**

The permit shall be valid for one year, and the applicant may apply for a maximum of three extensions of six months each. The use shall be removed immediately upon completion of the construction project, or upon expiration of the temporary use permit, whichever occurs first.

**(D) Fireworks Sales Stand**

**(1) Permit Required**

A permit shall be valid for up to 30 days. Application requirements are included in the Procedures Manual.

**(2) Design and Development Standards**

- (a)** All structures, including tents, shall meet the minimum setbacks that apply in the zone district.
- (b)** Access to the site shall be on driveways at least 25 feet wide that accommodate two-way traffic. Driveways shall be paved with gravel, concrete, or asphalt within the road right-of-way (from the edge of the road pavement to the property line). If applicable, driveway permits shall be acquired from TDOT or the County Highway Department.
- (c)** Parking on public roads or public right-of-way adjacent to the site is prohibited.
- (d)** If tents are used, they shall be certified flame retardant.
- (e)** Four working fire extinguishers shall be kept on site within the selling area (such as an individual tent) at each location. The fire extinguishers shall be 10-pound ABC Type.
- (f)** Any structure selling fireworks shall be 100 feet from any residential structure, and 70 feet from any nonresidential structure.
- (g)** The site shall include at least 15 parking spaces on site that comply with the dimensional standards in Sec. 5.2.5, Off-Street Vehicular Parking Standards. A portable toilet shall be provided.
- (h)** The applicant shall obtain a County business license.
- (i)** Only fireworks authorized for sale in the state to consumers in accordance with TCA § 68-104-108 may be sold.
- (j)** Signs that state “No Smoking” with letters at least four inches tall shall be posted.
- (k)** All applicable permits shall be visibly posted in the area where fireworks are sold.

**(3) Operational Standards**

- (a)** Fireworks shall not be discharged within 100 feet of any temporary and/or permanent structure or fireworks stand.
- (b)** Smoking and open flames are prohibited within 50 feet of any structure where fireworks are sold.
- (c)** The site, premises, and surrounding areas shall be maintained in a neat and clean manner.
- (d)** All unsold permitted consumer fireworks shall be properly disposed of and removed from the site.

**(E) Portable Storage Unit**

- (1)** No more than one portable storage unit shall be located on a lot.
- (2)** The storage unit shall be no more than eight feet wide, 48 feet long, and eight feet high.
- (3)** A storage unit may be placed on a lot for no more than 30 consecutive days, and no more than 60 days within any calendar year.
- (4)** The unit shall not be placed in the front yard, in the front parking lot of a commercial use, or in fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way.
- (5)** The owner and operator of the lot containing a portable storage unit shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. The unit shall be kept locked when not being loaded or unloaded.

- (6) The owner and operator of the lot containing a portable storage unit shall ensure that no hazardous substances are stored within the unit.

**(F) Special Event**

- (1) An application for this use shall demonstrate that the lot on which the special event will be held will have adequate capacity to accommodate the use's off-street parking.
- (2) Adequate access shall be provided, with permission for access granted by the authority that has jurisdiction of the road serving the special event.
- (3) The permit shall be issued for no longer than 30 days, with no renewal.

**(G) Temporary Dwelling Unit for Cases Other Than Medical Hardship**

- (1) The temporary structure shall not represent a hazard to the safety, health, or welfare of the community.
- (2) The applicant shall provide a written statement from TDEC approving the temporary structure's sewage disposal system.
- (3) The temporary use permit shall be valid for 18 months, and may be renewed one time for an additional year provided the same hardship conditions continue to exist.

**(H) Temporary Extractive Use**

- (1) Borrow pits or extractive cuts shall be set back 150 feet from lot lines adjacent to a residential use or land in a Residential zone district, and 50 feet from all other property lines.
- (2) If a lot is less than 15 acres in size, borrow pits shall not occupy or cover more than 25 percent of the lot. If a lot is 15 acres in size or greater, borrow pits shall not occupy or cover more than 10 percent of the lot.
- (3) Borrow pits shall not have a slope that is greater than two feet horizontal to one foot vertical (2:1).
- (4) Prior to any excavation, the applicant shall obtain a temporary use permit demonstrating via site plan that these conditions are met. As part of the application for a temporary use permit, the applicant shall provide proof that all requirements are met and permits are issued by TDEC. A permit shall be applicable for nine months and may be extended for periods of to six months, but in no event shall a temporary use permit for a temporary extractive use extend beyond 24 months.
- (5) Following issuance of a temporary use permit, but prior to any excavation activities, the applicant shall install fencing with a minimum height of six feet round the borrow pit, located at a minimum at the setback lines identified in subsection (1) above, with "No Trespassing" signs placed in 200 foot intervals along the fence;
- (6) No blasting is permitted as part of the use.
- (7) Borrow pits are only permitted on sites at least five acres in size and shall not be located in a platted subdivision;
- (8) Access to borrow pits shall be from arterial or collector roads;
- (9) Extraction activities may only be conducted within the hours of 7:00 a.m. and 7:00 p.m.
- (10) A temporary office is a permitted accessory structure but must be removed upon expiration of the temporary use permit.
- (11) A borrow pit associated with any on-site use shall not constitute a permitted temporary extractive use when undertaken as part of a development approved as a site plan or subdivision plat.

**(I) Temporary Family Healthcare Structure**

- (1) The temporary family healthcare structure shall be used: by a caregiver in providing care for a mentally or physically impaired person; on property owned or occupied by the caregiver as their residence.
- (2) Only one temporary family healthcare structure is permitted on a lot.
- (3) The application for a temporary use permit shall include:

- (a) A written statement from a physician certifying that the specific medical condition requires assistance from someone in close proximity; and
    - (b) A written statement from TDEC approving the temporary structure's sewage disposal system.
  - (4) The temporary structure shall not represent a hazard to the safety, health, or welfare of the community.
  - (5) The temporary use permit shall be valid for 18 months. The permit may be renewed for an unlimited number of one-year terms provided the applicant submits a new written statement from a physician certifying that the assistance is still required due to the medical condition.
  - (6) The temporary use permit shall terminate when, and the structure shall be removed within 30 days after,
    - (a) The permit expires; or
    - (b) The conditions which required the permit cease to exist.
- (J) Temporary Real Estate Sales Office**
- (1) The office shall only be placed on a new residential subdivision which has been approved by the Planning Commission.
  - (2) The permit shall be valid for one year, and may be renewed two times for six months each time.
  - (3) The office shall be removed when all lots in the residential subdivision have been sold, or upon expiration of the temporary use permit, whichever occurs first.
- (K) Temporary Road Material Manufacture**
- (1) The temporary use permit shall only be approved if the Board of Zoning Appeals determines the use is not potentially noxious, dangerous, or offensive.
  - (2) The temporary use permit shall be issued for a nine-month period and may be renewed for additional terms up to six months, at the Director's discretion.



# Article 5: Development Standards

## Commentary on Draft:

**Article 5: Development Standards**, consolidates the development standards in the zoning ordinance relating to the layout of development. It includes 14 sections, which are outlined below.

**Section 5.1, Access and Connectivity Standards**, includes standards for the transportation network to ensure it is well-connected and provides safe and convenient access to the different uses in the County.

**Section 5.2, Off-Street Parking and Loading Standards**, establishes updated standards for parking areas for automobiles, and for loading areas.

**Section 5.3, Landscaping Standards**, sets out standards for landscaping (including along the perimeter of developments and within parking lots) and screening.

**Section 5.4, Exterior Lighting Standards**, establishes a comprehensive set of exterior lighting standards to minimize light pollution in the night sky, reduce glare and other light trespass, and improve safety.

**Section 5.5, Open Space Set-Aside Standards**, establishes a set of standards for open space to be set aside for the occupants and users of new developments.

**Section 5.6, Steep Slope Standards**, regulates development on steep slopes to protect and preserve natural areas and features and reduce erosion.

**Section 5.7, Agricultural Compatibility Standards**, includes standards to protect existing agricultural uses from new residential development.

**Section 5.8, Neighborhood Compatibility Standards**, includes standards to protect single-family development and land in certain residential districts from impacts of new nonresidential, mixed-use, and multi-family development.

**Section 5.9, Multifamily and Townhouse Form and Design Standards**, includes basic new form and design standards that apply to multifamily and townhouse uses.

**Section 5.10, Large Retail Establishment Form and Design Standards**, includes basic new form and design standards that apply to large retail “big box” development.

**Section 5.11, Sign Standards**, establishes standards for signage, including standards for off-premises signs (such as billboards).

**Section 5.12, Floodplain District Standards**, establishes the regulations to limit damage in flood-prone areas and maintain the County’s participation in the National Flood Insurance Program.

**Section 5.13, Environmental Standards**, establishes general standards relating to stormwater and flooding.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 5.1 Access and Connectivity Standards

### 5.1.1. Purpose

The purpose of this Section is to ensure that new development is served by a coordinated transportation system that, as appropriate, provides for the safe and efficient movement of motor vehicles, pedestrians, and emergency vehicles within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and activity centers. Such a transportation system is intended to:

- (A) Provide transportation options;
- (B) Increase the effectiveness of local service delivery;
- (C) Reduce emergency response times;
- (D) Promote pedestrian options, in appropriate locations;
- (E) Contribute to the attractiveness of development and the community;
- (F) Where appropriate, connect neighborhoods and increase opportunities for interaction between neighbors;
- (G) Minimize congestion and traffic conflicts; and
- (H) Preserve the safety and capacity of the County's transportation systems.

### 5.1.2. Applicability

#### (A) New Development

All new development shall comply with the standards of this Section.

#### (B) Existing Development

An expansion or alteration of development shall comply with the standards of this Section to the maximum extent practicable if the expansion increases the gross floor area of buildings on the site by 50 percent or more, or the alteration involves 50 percent or more of the gross floor area of buildings, as measured over any five-year period.

### 5.1.3. Timing of Review

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), building permit (Sec. 2.5.12), or subdivision, whichever occurs first.

### 5.1.4. Developer Responsible for Access and Circulation Improvements

The landowner or developer shall provide street and other access and circulation improvements on the site in accordance with this Section, the standards in the Subdivision Regulations, and the County Roadway and Drainage Technical Standards, and shall dedicate any required rights-of-way or easements in accordance with this Ordinance and the Subdivision Regulations.

### 5.1.5. Mobility, Circulation, and Connectivity Standards

#### (A) Transportation System

- (1) New or existing development, as appropriate, shall be served by a system of roads, accessways, sidewalks, paths, greenways, and other facilities designed to provide for appropriate travel modes (motor vehicle and pedestrian), based on the development's size and character, zone district classification, relationship to development and development patterns in surrounding areas, and existing and planned community transportation systems.
- (2) Where appropriate, motor vehicle and pedestrian access and circulation systems shall be coordinated and integrated to provide the development's occupants and visitors

transportation options, and to enhance safe and efficient mobility throughout the development and the County.

- (3) In nonresidential developments, the layout and design of public roads and other access routes, including alleys and loading areas, shall be coordinated with the organization of buildings, rail facilities, and pedestrian facilities so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

**(B) Sidewalks**

- (1) Sidewalks along streets may be permitted in accordance with the following:
  - (a) Sidewalks shall comply with all applicable standards in the County Roadway and Drainage Technical Standards, as well as applicable state and federal laws and regulations, including the Americans with Disabilities Act.
  - (b) Sidewalks shall be located on private property, outside the public right-of-way, except where ramps are required to comply with state and federal law, in which case the homeowners' association must have an agreement with the County to maintain that portion of the sidewalk in the public right-of-way.
  - (c) A homeowners' association, property owners' association, or similar organization representing all persons with ownership interest in the development shall be established to maintain sidewalks that extend over multiple lots. The documents establishing the organization shall be provided to the County Attorney for review and approval before their adoption. The organization shall be responsible for maintenance of the private streets and shall have the authority to assess funds from its members to pay for maintenance of the street(s) and all associated drainage facilities.
- (2) Sidewalks or other pedestrian ways shall be constructed within any commercial, mixed-use, or multifamily development consisting of multiple buildings to link buildings in the development with other destinations in the development, including parking areas, open space and other on-site amenities, and other common areas serving the development.
- (3) Concrete curbs are required for all public roads where sidewalks are to be constructed. A grass or landscaped median strip of at least two feet in width shall separate all sidewalks from adjacent curbs
- (4) Sidewalks shall be at least five feet in width.

**(C) Public Streets**

- (1) Public streets shall be designed and constructed in accordance with the standards in the Subdivision Regulations, the County Roadway and Drainage Technical Standards, and other applicable technical documents.
- (2) All streets within a proposed development shall conform in alignment to any TDOT or County adopted transportation plan, including the General Plan and all applicable locally adopted plans.
- (3) Where a proposed development abuts an existing street maintained by the County or TDOT, the applicant shall dedicate right-of-way necessary to accomplish future road improvements, in accordance with state law and the Subdivision Regulations. Where the development is designed to utilize the street for frontage and direct access, the developer shall make any required improvements to the street so that it conforms to the standards in the Subdivision Regulations, the County Roadway and Drainage Technical Standards, and other applicable technical documents.

**(D) Private Streets**

- (1) Private streets shall be designed and constructed in accordance with the standards in the Subdivision Regulations, the County Roadway and Drainage Technical Standards, and other applicable technical documents, shall include any public utility easements required by the County, and shall connect with the public street network in accordance with TDOT and County standards.
- (2) A homeowners' association, property owners' association, or similar organization representing all persons with ownership interest in the development shall be established to

maintain the private streets. The documents establishing the organization shall be provided to the County Attorney for review and approval before their adoption. The organization shall be responsible for maintenance of the private streets and shall have the authority to assess funds from its members to pay for maintenance of the street(s) and all associated drainage facilities. The document establishing the organization shall:

- (a) Specify lot owners' responsibility for maintenance of private streets and security gates and barriers provided in accordance with subsection (E) below, including radio-operated receivers/controllers that provide access to the gate to public or utility officials, if applicable, and provide for assessments to finance all maintenance activities including future street resurfacing;
  - (b) Specify that no property owner may opt out of any maintenance fund, and that the obligation to participate in the maintenance fund is mutually enforceable amongst all property owners and is an obligation that runs with the land;
  - (c) Include a mechanism to ensure collection of maintenance funds;
  - (d) Provide that the organization will hold harmless and indemnify the County and all of its agencies against all costs, including defense costs, based upon defects and hazards in the private street and related improvements; and
  - (e) State that if a street is not privately maintained for safe passage of public service and emergency vehicles, the County may, but is not required to, provide such maintenance, with the cost of the maintenance becoming a lien on the properties served by the street, divided among them proportionate to their assessed tax valuation.
- (3) All property transfer instruments for lots with access on a private street shall state that access is provided via a private street.

**(E) Gated or Other Barriers Restrictive Access to Private Streets**

Access to a private street or other private way may be restricted by a security gate or other barrier only in accordance with the following standards:

**(1) Gate Features**

- (a) The access to the gate or barrier shall be at least 20 feet wide.
- (b) To ensure safety and access for emergency personnel, each vehicle gate or barrier shall:
  - 1. Be equipped with an approved radio operated receiver/controller capable of receiving signals from a sheriff's department, fire department, other emergency medical service providers, and utility providers that will open the gate;
  - 2. Have a feature to open during power failures and remain open;
  - 3. If a separate pedestrian gate is included, provide a lock box to allow emergency personnel access;
  - 4. Be designed so that when open it does not obstruct the path of travel for vehicles and pedestrians or extend in any way into any public rights of way;
  - 5. Have at least two automated means of opening and one manual means in case of power failure; and
  - 6. Be set back from the public street to allow adequate queuing and vehicle turnaround movements to prevent blockage of public streets.

**(2) Gate Maintenance**

- (a) The maintenance of the vehicle gates and the pedestrian gates (if any) in the subdivision will be the sole responsibility of the organization with responsibility for maintaining the private streets in accordance with subsection (D) above.
- (b) Annually, the organization with responsibility for maintaining the private streets in accordance with subsection (D) above will provide to the Director a certificate of an independent inspector certifying that all gates are in good working order and otherwise meet all County and state requirements.

### 5.1.6. Street Access

- (A) To improve safety by minimizing conflict points and to reduce traffic congestion, access from sites onto streets using driveways shall be subject to the following standards:
  - (1) A driveway for residential use shall not exceed 50 feet in width.
  - (2) A lot shall have no more than two driveways for every 400 feet of lot frontage, or fraction thereof, provided that a lot with 100 feet or less of street frontage shall have no more than one accessway to the street.
  - (3) Each driveway shall be at least 20 feet from the right-of-way line of any intersection, measured from the closest point of the accessway to the intersection right-of-way line. If multiple driveways are provided for one lot frontage, they shall be separated by at least 25 feet, measured from the closest points of each accessway at the right-of-way line.
  - (4) All driveways shall be designed to provide proper drainage.
  - (5) No curbs adjacent to County streets or rights-of-way shall be altered, and no County streets or rights-of-way shall be altered, without written approval of the County Highway Superintendent.
  - (6) No curbs adjacent to state streets or rights-of-way shall be altered, and no state streets or rights-of-way shall be altered, unless TDOT has issued a permit for the alteration.
- (B) Access points from a subdivision to an arterial or collector street shall be limited as follows:
  - (1) Lots shall be designed to not have direct vehicular access on the collector streets, but instead to a local street that connects to the arterial or collector street.
  - (2) The number of local streets with access to an arterial or collector street shall be minimized.

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## Section 5.2 Off-Street Parking and Loading Standards

### 5.2.1. Purpose

The purpose of this Section is to ensure that off-street vehicular parking and loading facilities are provided in proportion to the parking and loading demands of the different uses allowed by this Ordinance. The standards in this Section are intended to provide for adequate off-street vehicular parking and loading while allowing flexibility to accommodate alternative parking solutions.

### 5.2.2. Applicability

#### (A) New Development

All new development shall provide off-street vehicular parking and loading areas in accordance with the standards of this Section.

#### (B) Addition or Expansion

- (1) If an existing structure or use is expanded or enlarged in terms of the number of dwelling units, floor area, number of employees, or seating capacity, whichever the minimum parking standard for the structure is based on, any additional off-street vehicular parking and loading spaces that may be required shall be provided in accordance with the requirements of this Section for the expanded or enlarged part of the structure or use.
- (2) Where the existing parking on the site of a proposed expansion or enlargement of an existing structure is nonconforming with regard to the standards in this Section, the parking shall be brought into compliance with the standards of this Section in accordance with Table 5-1: Scaled Compliance with Nonconforming Off-Street Parking.

<b>Proposed Increase in Gross Floor Area [1]</b>	<b>Additional Compliance Required</b>
Less than 25 percent	None

<b>Table 5-1: Scaled Compliance with Nonconforming Off-Street Parking</b>	
<b>Proposed Increase in Gross Floor Area [1]</b>	<b>Additional Compliance Required</b>
Between 25 percent and 65 percent	A corresponding percentage of the required minimum parking is required as additional compliance, up to achievement of 100 percent compliance with the standards of this Section
More than 65 percent	Full compliance required
<b>NOTES:</b>	
[1] Based on the total of all increases in gross floor area in any five-year period.	
[2] To illustrate this requirement, consider a hypothetical situation where a minimum of 40 parking spaces is required for the proposed use, but only 20 spaces are currently provided. If the building is expanded by 30 percent of its gross floor area, the expansion project must add 12 parking spaces (30% x 40 required spaces), increasing compliance from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces).	

- (3) Development that expands the number of parking spaces to such extent that it becomes subject to the standards in Sec. 5.2.5(H), Large Parking Lots, shall comply with the requirements of Sec. 5.2.5(H).

**(C) Change of Use**

Any change of use of an existing structure or land shall be accompanied by provision of any additional off-street vehicular parking and loading spaces required for the new use by this Section.

**5.2.3. Timing of Review**

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), building permit (Sec. 2.5.12), or [subdivision], whichever occurs first.

**5.2.4. Parking Plan**

Applications for development subject to this Section shall include a parking plan. The plan shall accurately designate the number and location of required parking spaces, access aisles, and driveways, and the relation of the vehicular off-street parking facilities to the development they are designed to serve, including how the parking facilities coordinate with the vehicular, pedestrian, and bicycle circulation systems for the development, as appropriate. The Director may waive this requirement upon determining that a parking plan is not necessary to demonstrate the proposed development's compliance with the standards in this Section based on the size and configuration of proposed and existing parking and loading areas on the site.

**5.2.5. Off-Street Vehicular Parking Standards**

**(A) Applicability**

**(1) General**

Except as provided in subsection (2) below, the standards of this Sec. 5.2.5 apply to all uses that are required to provide five or more off-street parking spaces.

**(2) Exemption**

The standards of Sec. 5.2.5 do not apply to the following:

- (a) In the AP district, uses in the Agriculture use classification that are permitted by right;
- (b) Single-family detached dwellings; and
- (c) Two-family (duplex) dwellings.

**(B) Location and Arrangement**

- (1) Off-street parking shall be provided on the same parcel as the principal structure or use, unless an alternative arrangement is approved in accordance with Sec. 5.2.7, Off-Street Vehicular Parking Alternatives.
- (2) Parking spaces are prohibited in required yards adjacent to a street and areas reserved for landscape buffers in accordance with Sec. 5.3.8, Perimeter Buffers.
- (3) Each off-street parking space shall open directly onto an aisle or paved driveway and not onto a public street. Each parking space shall have vehicular access to a public street through a parking area meeting the requirements of this Section or through one or more driveways, provided any necessary access easements are obtained. Parking spaces and driveways shall be arranged so that ingress and egress to a public street is by forward motion of the vehicle only.
- (4) Parking areas shall be designed to provide emergency vehicle access in accordance with applicable County and state regulations.

**(C) Surfacing and Drainage**

- (1) Parking areas shall be improved and maintained with a smooth, dustless surfacing such as concrete or asphalt. The Planning Commission may approve the use of double bituminous surface treatment (DBST), if appropriate for the proposed development due to characteristics of the site.
- (2) The Planning Commission may approve a gravel or crushed stone surface for parking areas and accessways serving assembly uses (such as a place of assembly, a religious facility, or athletic field) if the Planning Commission determines the applicant demonstrates that these spaces will not be used regularly, and the lot is constructed with gravel or crushed stone at least six inches deep throughout the parking area and accessways.
- (3) The parking area shall be designed with adequate drainage to prevent the pooling of water on the parking area or off the site.

**(D) Markings**

Each required off-street parking area and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. The markings shall be maintained so as to be readily visible at all times. The markings shall also include striping, directional arrows, lettering on signs to identify handicapped-designated areas, and labeling of the pavement.

**(E) Border Barricades**

A rail, fence, curb, or other continuous barricade shall be installed to prevent parked vehicles from extending beyond the marked boundaries of a parking space.

**(F) Location of Accessway**

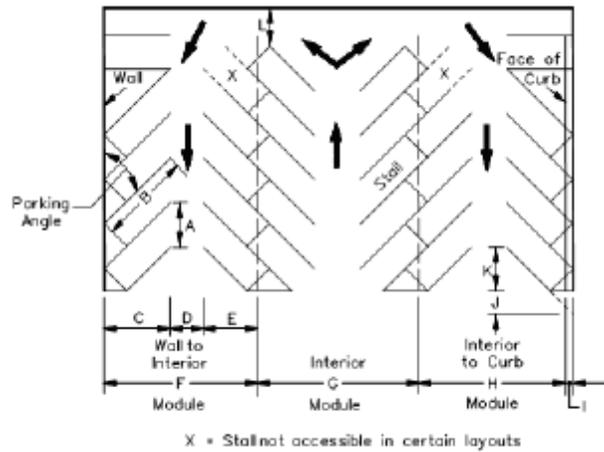
The location and design of all driveways or other accessways into a parking area shall comply with County Roadway and Drainage Technical Standards and the standards in Sec. 5.1.6, Street Access. No accessway for a nonresidential use that is not permitted in a Residential zone district shall be located within 25 feet of a lot within an adjacent Residential zone district.

**(G) Dimensional Standards**

- (1) Except as provided in this subsection, standard parking spaces and aisles shall comply with the minimum dimensional standards established in Table 5-2: Off-Street Parking Dimensional Standards. See Figure 5-1: Off-Street Parking Dimensional Measurements.
- (2) Accessible parking spaces shall be provided in accordance with the standards of the Americans with Disabilities Act (ADA).

Table 5-2: Off-Street Parking Dimensional Standards				
Parking Angle (degrees)	Stall Width	Aisle Width Two-way   One-way	Stall Length	Double Row + Aisle, Curb to Curb Two-way   one-way
0 (parallel)	8 ft	N/A	22 ft	N/A
45	9 ft	22   16 ft	18 ft	60   54 ft
60	9 ft	22   18 ft	18 ft	63   59 ft
90	9 ft	24   22 ft	18 ft	60   58 ft

Figure 5-1: Off-Street Parking Dimensional Measurements



**(H) Large Parking Lots**

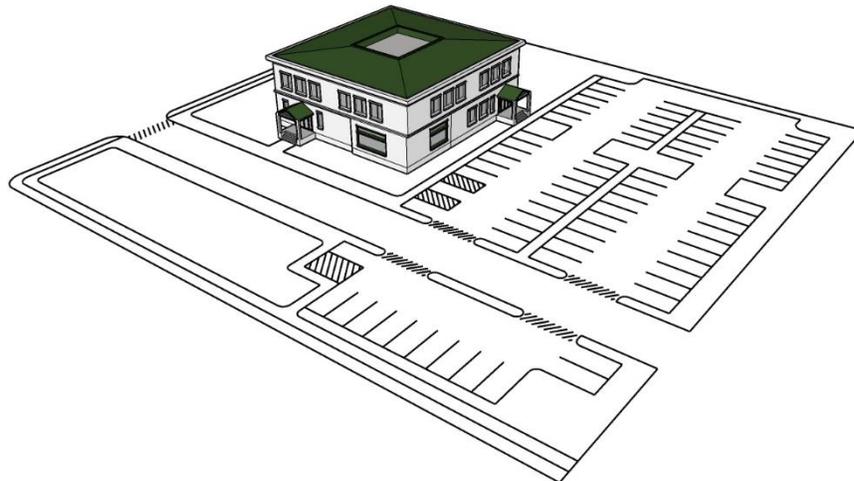
Parking areas containing 150 or more spaces, whether developed at one time or in phases, shall be visually and functionally segmented into smaller lots through the use of fully separated and landscaped pedestrian pathways that comply with the following standards:

- (1) A pathway shall be provided, at minimum, between every six parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension.
- (2) Each pathway shall be:
  - (a) At least five feet wide except when crossing drive aisles, where it shall be at least ten feet wide;
  - (b) Paved with asphalt, cement, or comparable materials approved by the Director;
  - (c) Designed with contrasting color or materials, such as brick, where crossing drive aisles (see Figure 5-2: Example of Pedestrian Pathway Crossing Drive Aisle); and
  - (d) Bordered along one or both sides by a landscaping strip at least four feet in width with trees planted on average 40 feet on center, in accordance with the standards in Section 5.3, Landscaping Standards
- (3) Pathways shall be connected to all existing or planned adjacent pedestrian facilities and shall provide safe and efficient pedestrian access to the uses they serve.
- (4) Pathways shall be aligned with and perpendicular to the primary entrance into the building served by the parking lot, to the maximum extent practicable (see Figure 5-3: Pedestrian Pathway Alignment).

Figure 5-2: Example of Pedestrian Pathway Crossing Drive Aisle



Figure 5-3: Pedestrian Pathway Alignment



**5.2.6. Off-Street Vehicular Parking Spaces Required**

**(A) Minimum Off-Street Parking Standards**

Except in accordance with Sec. 5.2.7, Off-Street Vehicular Parking Alternatives, all development is required to provide the minimum number of off-street parking spaces in accordance with Table 5-3: Minimum Number of Off-Street Parking Spaces, based on the principal use(s) involved and the extent of development. Off-street vehicular parking space standards for principal uses with variable parking demands or unlisted principal uses shall be in accordance with Sec. 5.2.6(B), Variable or Unlisted Uses.

Table 5-3: Minimum Number of Off-Street Parking Spaces	
Principal Use Type	Standards [1]
<b>Agriculture</b>	
<b>Agricultural Cultivation</b>	
Agricultural operation	No minimum

<b>Table 5-3: Minimum Number of Off-Street Parking Spaces</b>	
<b>Principal Use Type</b>	<b>Standards [1]</b>
Family subdivision	No minimum
Forestry	No minimum
Nursery	No minimum
Tree farm	No minimum
<b>Agriculture Support and Services, Directly Related</b>	
Agri-education or agri-tourism	No minimum
Auction barn and livestock storage	No minimum
Equestrian facility	No minimum
Farm winery	No minimum
Roadside agriculture sales	No minimum
<b>Agriculture Support and Services, Not Directly Related</b>	
Agricultural distribution hub	Variable
Agricultural processing	Variable
<b>Animal Agriculture</b>	
Commercial feed lot	No minimum
<b>Residential</b>	
<b>Household Living</b>	
Dwelling, single-family detached	2 per du
Dwelling, townhouse	2 per du
Dwelling, two-family (duplex)	2 per du
Dwelling, mobile home	1 per du
Dwelling, multifamily	1.5 per du
Mobile home park	1 per du + 1 visitor space per 10 du
<b>Group Living</b>	
Assisted living facility	1.0 per 2 beds
Group home	2.0 per du
Retirement community	Variable
Retirement facility	Variable
Rooming house	1 per room
<b>Civic and Institutional</b>	
<b>Community and Cultural Facilities</b>	
Child care center	3.0 per 1,000 sf GFA
Community center	2.5 per 1,000 sf GFA
Conference center	2.5 per 1,000 sf GFA
Cultural institution	2.5 per 1,000 sf GFA
Event venue	Variable
Government facility	2.5 per 1,000 sf GFA
Place of assembly	1.0 per 5 seats, or 4.0 per 1,000 sf GFA

<b>Table 5-3: Minimum Number of Off-Street Parking Spaces</b>	
<b>Principal Use Type</b>	<b>Standards [1]</b>
Public safety facility	Variable
Religious facility	1.0 per 5 seats, or 4.0 per 1,000 sf GFA
Zoo	1.0 per 2,000 sf outdoor area
<b>Educational Facilities</b>	
College or university	Variable
School, k-12	Grades K-9: 1 per 7 students (design capacity) Grades 10-12: 1 per 2 students (design capacity)
School, vocational	3.5 per 1,000 sf
<b>Funeral Services</b>	
Crematory	No minimum
Funeral home	1.0 per 5 seats, or 1.0 per 250 sf GFA
<b>Health Care Services</b>	
Hospital	3.0 per 1,000 sf GFA
Medical or dental office or clinic	3.5 per 1,000 sf GFA
Nursing home	1.0 per 4 beds
Rehabilitation center	1.0 per room
<b>Parks and Open Areas</b>	
Cemetery	No minimum
Community garden	No minimum
Country club	2.5 per 1,000 sf GFA
Public park	No minimum
<b>Transportation and Utility Facilities</b>	
Airport, Landing Strip, or Heliport, Private	No minimum
Airport, Landing Strip, or Heliport, Public	Variable
Communications tower and equipment	1.0
Decentralized wastewater treatment and disposal system	1.0
Parking facility	No minimum
Solar energy conversion system, large-scale	2.0 per 1,000 sf office facilities
Utility, major	2.0 per 1,000 sf office facilities
Utility, minor	2.0 per 1,000 sf office facilities
Wind energy facility, large	2.0 per 1,000 sf office facilities
<b>Commercial</b>	
<b>Adult Business</b>	
Adult-oriented establishment	3.0 per 1,000 sf GFA
<b>Animal Care Uses</b>	
Animal grooming	3.5 per 1,000 sf GFA
Animal kennel, small	3.0 per 1,000 sf GFA
Animal kennel, large	3.0 per 1,000 sf GFA

<b>Table 5-3: Minimum Number of Off-Street Parking Spaces</b>	
<b>Principal Use Type</b>	<b>Standards [1]</b>
Veterinary hospital	3.5 per 1,000 sf GFA
<b>Food and Beverage Services</b>	
Bar or tavern	3.5 per 1,000 sf
Restaurant, drive-in	2.5 per 1,000 sf (not including drive-in areas for customers)
Restaurant, sit-down	4.0 per 1,000 sf
<b>Lodging</b>	
Bed and breakfast homestay	1 per room (maximum)
Campground	1.5 per camp site
Hotel and motel	1.0 per guest room, plus 1.0 per 400 sf auxiliary space
Travel trailer park	1.0 per travel trailer space, plus 1.0 per 4 travel trailer spaces for other visitors
<b>Office</b>	
Contractor's yard	2.5 per 1,000 sf office facilities
Data center	1.0 per 1,000 sf
General office	2.5 per 1,000 sf
Research and development	2.5 per 1,000 sf
<b>Recreation and Entertainment</b>	
Amphitheater	Variable
Athletic facility	Variable
Recreation, indoor	3.5 per 1,000 sf GFA
Recreation, outdoor	1.0 per 1,000 sf outside activity area
Sports stadium and arena	Variable
Stables	No minimum
Theater	1.0 per 4 seats
<b>Retail Sales and Services</b>	
Agricultural equipment sales, rental, and service	3.0 per 1,000 sf GFA
Bank and financial institution	3.0 per 1,000 sf GFA
Convenience store	3.0 per 1,000 sf GFA
Liquor store	3.5 per 1,000 sf GFA
Massage therapy establishment	3.0 per 1,000 sf GFA
Personal repair establishment	3.0 per 1,000 sf GFA
Personal services establishment	3.0 per 1,000 sf GFA
Retail sales establishment, small	3.5 per 1,000 sf GFA
Retail sales establishment, medium	3.0 per 1,000 sf GFA
Retail sales establishment, large	2.5 per 1,000 sf GFA
<b>Vehicle-Related Uses</b>	
Car wash	No minimum
Fleet fuel depot	1.5 per 1,000 sf office facilities
Gas station	2.0 per 1,000 sf GFA

<b>Table 5-3: Minimum Number of Off-Street Parking Spaces</b>	
<b>Principal Use Type</b>	<b>Standards [1]</b>
Light vehicle rental	2.5 per 1,000 sf GFA
Light vehicle repair	3.5 per 1,000 sf GFA
Light vehicle sales	2.5 per 1,000 sf GFA
Travel trailer rental	3.0 per 1,000 sf GFA
<b>Industrial</b>	
<b>Extraction</b>	
Rock Quarries and Mining	No minimum
<b>Manufacturing and Processing</b>	
Brewery	1.0 per employee on largest shift
Distillery	1.0 per employee on largest shift
Manufacturing, artisanal	2.0 per 1,000 sf GFA
Manufacturing, heavy	1.0 per employee on largest shift
Manufacturing, light	1.0 per employee on largest shift
Slaughterhouse	1.0 per employee on largest shift
Small-scale meat processing facility	1.0 per employee on largest shift
Winery	2.5 per 1,000 sf office facilities
<b>Freight and Warehousing</b>	
Cold storage plant	1.0 per employee on largest shift
Junk or salvage yard	2.0 per 1,000 sf office facilities
Self-service storage	3.0 per 1,000 sf office facilities, plus 2 per 200 storage units
Truck terminal	2.0 per 1,000 sf office facilities
Warehouse	1.0 per employee on largest shift
<b>Waste-Related Uses</b>	
Construction and demolition landfill, private	1.0 per employee on largest shift
Construction and demolition landfill, public	1.0 per employee on largest shift
Recycling facility, private	1.0 per employee on largest shift
Recycling facility, public	1.0 per employee on largest shift
Sanitary landfill, private	1.0 per employee on largest shift
Sanitary landfill, public	1.0 per employee on largest shift
Transfer station, private	1.0 per employee on largest shift
Transfer station, public	1.0 per employee on largest shift
Waste composting facility	1.0 per employee on largest shift
Waste processing or recycling recovery facility, private	1.0 per employee on largest shift
Waste processing or recycling recovery facility, public	1.0 per employee on largest shift

<b>Table 5-3: Minimum Number of Off-Street Parking Spaces</b>	
<b>Principal Use Type</b>	<b>Standards [1]</b>
<b>Wholesale Sales</b>	
Auction yard	2.5 per 1,000 sf office facilities
Wholesale sales	1.5 per 1,000 sf office facilities

*sf = square feet    GFA = gross floor area*

**NOTES:**

[1] For uses with proposed minimum off-street parking standards listed as “Variable,” see subsection (B) below.

**(B) Variable or Unlisted Uses**

An applicant proposing to develop a principal use that is either not listed or listed as “Variable” in Table 5-3: Minimum Number of Off-Street Parking Spaces shall propose the amount of required vehicular parking by one of the three methods below. On receiving an application, the Director shall determine the amount of required vehicular parking using the applicant’s methodology or the other methods listed below, and may require that the applicant prepare a study as described in subsection (3) below.

**(1) Apply Standard of Most Similar Use**

Apply the minimum off-street parking space standard for the listed use that the Director deems most similar to the proposed use;

**(2) Use Standard Parking Resources**

Establish the minimum off-street parking space standard by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association (APA); or

**(3) Conduct Parking Demand Study**

Conduct a parking demand study to demonstrate the appropriate minimum off-street parking space standard. The study shall estimate parking demand based on the recommendations of the ITE, ULI, or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

**(C) Mixed-Use Development**

Unless an alternative parking plan is approved in accordance with Sec. 5.2.7, Off-Street Vehicular Parking Alternatives, development containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses.

**5.2.7. Off-Street Vehicular Parking Alternatives**

**(A) Alternative Parking Plan Authorized**

(1) The Director may authorize modifications to the minimum off-street vehicular parking standards established in Sec. 5.2.6, Off-Street Vehicular Parking Spaces Required, in accordance with this section. An applicant who proposes an alteration in off-street vehicular parking standards shall submit an alternative parking plan that meets the standards of this section.

(2) An applicant may choose one of three methods to propose a reduction in the minimum off-street vehicular parking standards:

- (a) Preparation of a parking study that demonstrates a reduced level of parking demand, in accordance with subsection (B) below;
- (b) An alternative parking plan for a mixed-use development that accounts for different levels of parking demand at different days of the week or times of day, in accordance with subsection (C) below; or
- (c) An alternative parking plan that uses off-site parking, in accordance with subsection (D) below.

**(B) Parking Demand Study**

The Director may allow up to a 60 percent reduction in the minimum off-street vehicular parking requirements required in Table 5-3: Minimum Number of Off-Street Parking Spaces if an applicant provides a parking study that uses professionally accepted methods of transportation engineering and off-street parking demand and demonstrates a reduced amount of parking for the development is appropriate for the development. The parking study shall:

- (1) Be prepared and sealed by a registered professional engineer; and
- (2) Demonstrate that the required parking ratios in Table 5-3: Minimum Number of Off-Street Parking Spaces, do not accurately apply to the specific development proposal or that other options to satisfy the parking demand are available.

**(C) Mixed-Use Development**

An applicant for a development containing more than one use may submit an alternative parking plan that proposes a reduction in the minimum number of required off-street vehicular parking spaces for the development based on a comprehensive analysis of parking demand for each use by time of day. The maximum permitted reduction from the minimum off-street vehicular parking requirements in Table 5-3: Minimum Number of Off-Street Parking Spaces, is 50 percent.

**(D) Off-Site Parking**

An applicant may propose to provide up to 40 percent of the required minimum off-street vehicular parking in an off-site parking facility, in accordance with the following:

**(1) Location**

The parking area that contains off-site vehicular parking spaces shall be located within 200 feet of the primary pedestrian entrances to the use, which shall be measured by the actual distance to walk from the shared parking area to the primary pedestrian entrance using a route that complies with this subsection, and shall be contiguous to the property served.

**(2) Access and Signage**

Adequate and safe pedestrian access shall be provided by a paved pedestrian path protected by a landscape buffer or a curb separation and elevation from the street grade. The pedestrian access shall not cross an arterial street unless pedestrian access across it is provided by appropriate traffic controls or a grade-separated and lighted pedestrian route to ensure pedestrian safety. Signage complying with the standards in Section 5.11, Sign Standards, shall be provided to direct the public to the shared parking spaces.

**(3) Availability of Spaces**

The alternative parking plan shall demonstrate that the identified spaces will be available for the applicant's use and will not be used to accommodate parking for another use, either because the parking spaces do not serve another use, or because they are shared with a another use and the applicant provides the analysis required in subsection (C) above which demonstrates adequate parking for the applicant's use.

**(4) Accessible Parking**

Parking spaces required to be accessible to persons with disabilities shall not be provided off-site.

**(5) Agreement Required**

To ensure that any off-site parking permitted to satisfy minimum parking requirements remains available to the development it is proposed to serve, a written off-site parking agreement shall be required if land containing the off-site parking area is not on the same parcel as the land containing the principal use served, or if multiple uses are sharing parking. The agreement shall comply with the following:

- (a) A written agreement shall include the owners of land containing the off-site parking area, as well as all owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces.
- (b) If the agreement is for exclusive use of off-site parking by a single use, the agreement shall provide the owner of the served use the right to use the off-site parking area and shall specify that the parking spaces are for the exclusive use of the served use, including any customers and employees.
- (c) If the agreement is for use of shared parking by multiple users, the agreement shall provide all parties the right to joint use of the shared parking area and shall ensure that as long as the off-site parking is needed to comply with this section, land containing either the off-site parking area or the served use will not be transferred except in conjunction with the transfer of land containing the other.
- (d) The agreement shall have a minimum duration of 15 years and state that the agreement may not be cancelled unless notice has been sent to the Director via certified mail at least 30 days prior to the effective date of termination of the agreement.
- (e) An attested copy of an approved and executed agreement shall be recorded in the County’s public records before a building permit for any use to be served by the off-site parking area may be issued.
- (f) The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.
- (g) A violation of the agreement shall constitute a violation of this Ordinance and may be enforced accordingly.

**(6) Unavailability of Shared Parking**

No use served by the off-site parking may be continued if the off-site parking becomes unavailable to the use permanently or for longer than 30 days, unless substitute off-street parking spaces are provided in accordance with this Ordinance. If the off-site parking becomes unavailable, the Director may require that the owner of the use requiring parking enter into a new off-site parking agreement or otherwise provide additional off-street vehicular parking in accordance with this Section.

**5.2.8. Vehicle Stacking Standards**

Development shall provide stacking space for vehicles in accordance with the following standards:

**(A) Drive-throughs and Similar Facilities**

- (1) Except as otherwise provided in this Ordinance, uses with drive through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 5-4: Minimum Stacking Spaces for Drive-Through and Similar Facilities.

<b>Table 5-4: Minimum Stacking Spaces for Drive-Through and Similar Facilities</b>		
<b>Use or Activity</b>	<b>Minimum Number of Stacking Spaces [1]</b>	<b>Measured From</b>
Financial institution with drive-through facility, or ATM as an accessory use	3 per lane	Teller window or ATM machine
Gas station	1	Each end of the outermost gas pump island

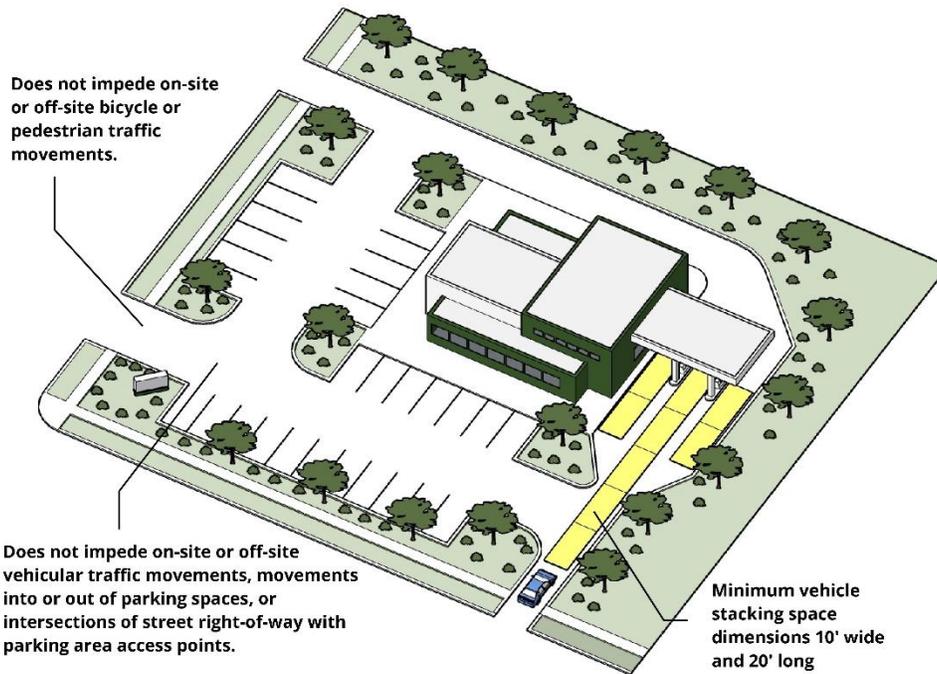
Restaurant drive-through	6 total [2]	3	Order box
		3	Pick-up window (from order box)
Light vehicle repair/oil change or lubrication	3 per bay [3]		Bay entrance
Daycare Facility	6		Primary location for child pick-up and drop-off
Hospital or nursing home	3		Building entrance
Car wash, self-service	4 per bay		Bay entrance
Car wash, automatic	2 per bay		Bay entrance
School (K-12)	[4]		

**NOTES**

- [1] If a single queue splits into multiple pickup areas (for example, a drive-through restaurant queue that splits into two order boards and pick-up windows), the total number of stacking spaces required shall equal the minimum required for each lane multiplied by the number of “measured from” destinations (in this example, the drive-through restaurant would require a total of 12 stacking spaces).
- [2] The Director may require additional stacking spaces upon determining that there is a reasonable possibility that the listed minimum number will result in queuing that will interfere with pedestrian or vehicular traffic on adjacent streets or with internal circulation on the development site. The determination may be based on drive-through stacking at similar establishments in other locations in the County, including the municipalities, or in other jurisdictions.
- [3] At least three stacking spaces shall be provided per bay, except that only one stacking space per bay is required if the use provides nearby areas for vehicles to wait that do not interfere with vehicular or pedestrian circulation on the site.
- [4] The required stacking space shall be determined by the Director based on a parking demand study prepared by the applicant which evaluates demand at drop-off and pick-up times, and the percentage of the student population expected to be of driving age.

- (2) Stacking spaces shall (see Figure 5-4: Required Drive-Through Stacking Lane Configuration):
  - (a) Be a minimum of 10 feet wide and 20 feet long.
  - (b) Not impede on-site or off-site vehicular traffic movements, movements into or out of parking spaces, or intersections of street right-of-way with parking area access points.
  - (c) Not impede on-site or off-site bicycle or pedestrian traffic movements.
  - (d) Comply with TDOT and County requirements regarding the minimum distance of any crossing or turning movements within the development from the TDOT and County right of way.

Figure 5-4: Required Drive-Through Stacking Lane Configuration

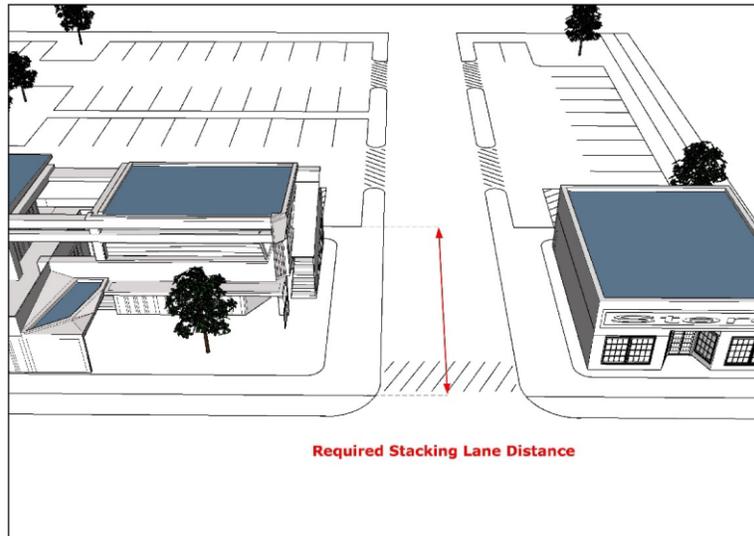


**(B) Parking Lot Entrance Driveways**

All non-residential and mixed-use development, excluding development in the Industrial use classification, shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the stacking lane distance established in Table 5-5: Minimum Stacking Lane Distance for Parking Lot Entrance Driveways. The minimum stacking lane distance shall be measured from the intersection of the driveway with the street right-of-way to its intersection with the centerline of the first entrance into a parking area or other intersecting driveway. See Figure 5-5: Required Parking Lot Stacking Lane Distance.

Table 5-5: Minimum Stacking Lane Distance for Parking Lot Entrance Driveways	
Number of Off-Street Vehicular Parking Spaces	Minimum Stacking Lane Distance
1-49	40
50-249	60
250-499	100
500 or more	100 + 15 feet for every additional 50 spaces above 500

Figure 5-5: Required Parking Lot Stacking Lane Distance



**5.2.9. Off-Street Loading Area Standards**

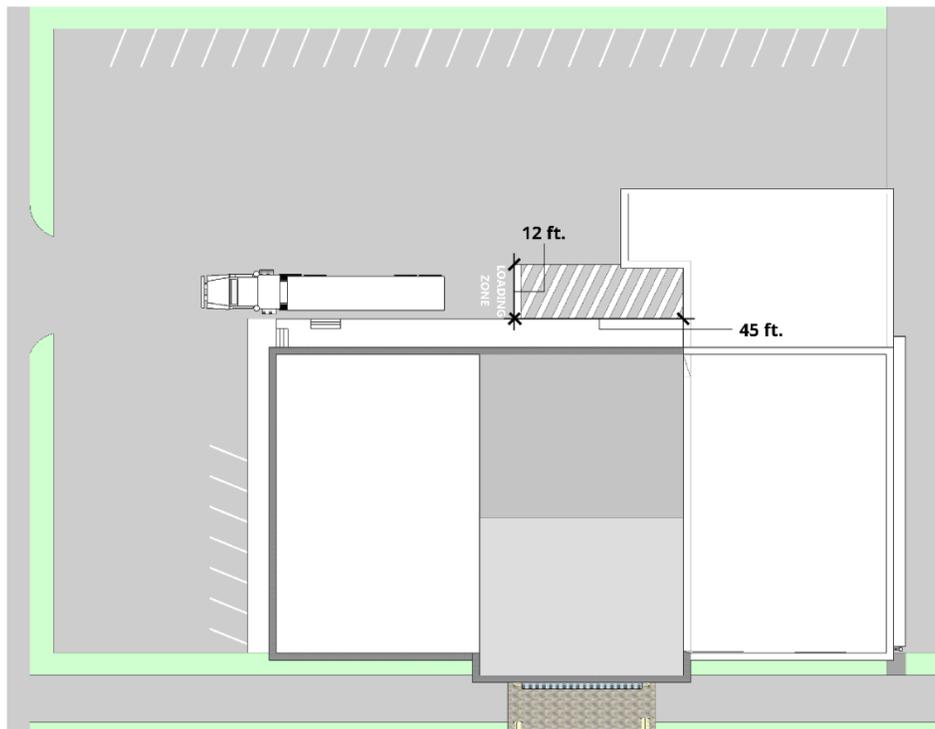
- (A) Development that involves the routine vehicular delivery or shipment of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development’s uses in a safe and convenient manner. Table 5-6: Required Off-Street Loading Spaces, establishes the minimum number of loading berths for the principal uses for which loading berths are required.

<b>Table 5-6: Required Off-Street Loading Spaces</b>	
<b>Total Usable Floor Area for Principal Building</b>	<b>Minimum Number of Required Off-Street Loading Berths</b>
Up to 5,000 square feet	1 Spaces
More than 5,000 up to 10,000 square feet	2 Spaces
More than 10,000 square feet up to 15,000 square feet	3 Spaces
More than 15,000 square feet up to 20,000 square feet	4 Spaces
More than 20,000 square feet	4 spaces, plus 1 space for each additional 20,000 Sq. Ft.

- (B) The Director may authorize a reduction in the number of off-street loading spaces required if the applicant provides an off-street loading study prepared and sealed by a registered professional engineer which demonstrates that the required number of off-street loading berths does not accurately apply to the specific development proposal.
- (C) All off-street loading berths shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The typical minimum size of a loading berth is 12 feet wide by 45 feet long. (See Figure 5-6: Loading Area Configuration and Berth Dimensional Standards.) To ensure compliance with this general standard, the Director may require a larger loading berth or allow a smaller loading berth upon determining that the characteristics of the particular development warrants such an increase or reduction.
- (D) All off-street loading berths shall:
  - (1) Be located on the same lot as the use they serve and shall have access directly from the site they serve to public streets;
  - (2) Be located and arranged to minimize interference with traffic on streets and to ensure pedestrian safety, so that vehicles can maneuver for loading and unloading entirely within

- the property lines of the site, and are not required to back onto or from a public street (see Figure 5-6: Loading Area Configuration and Berth Dimensional Standards);
- (3) Be located and arranged so that vehicles parked in the berth for loading or unloading do not protrude into any required parking space or access aisle, pedestrian way, or street right-of-way (see Figure 5-6); and
  - (4) Be designed, either by their location or screening, so they are not visible from any thoroughfare or collector street right-of-way, or from adjacent lands that are classified in a Residential zone district or developed with a residential use.
- (E) Off-street loading areas shall be surfaced with concrete, bituminous asphalt, or alternative materials exhibiting equivalent load bearing and wear characteristics as concrete or bituminous asphalt.

Figure 5-6: Loading Area Configuration and Berth Dimensional Standards



## Section 5.3 Landscaping Standards

### 5.3.1. Purpose and Intent

- (A) The purpose of these landscaping standards is to preserve the natural vegetation and existing characteristics and contours of the land, as well as to Recognize that landscaping in the developed areas of unincorporated Maury County contributes to the public health, safety, and welfare. Among the benefits of landscaping is:
- (1) Improving the aesthetic of the built environment, generally;
  - (2) Screening undesirable views;
  - (3) Providing buffers between incompatible land uses;
  - (4) Reducing glare, noise, odors, and dust;
  - (5) Reducing storm water runoff and flooding; and
  - (6) Supporting good air quality.

- (B) To accomplish these purposes, it is the intent of the standards in this Section to provide for landscaping around nonresidential development, in and around parking lots, and between incompatible land uses, and to provide screening for loading, trash collection, display, and utility areas.

### 5.3.2. Applicability

#### (A) General

Unless exempted in accordance with subsection (B) below, the standards of this Section shall apply to the following:

- (1) All new development;
- (2) A change of use of the interior of a building that results in an increase in the number of off-street parking spaces of the building of more than 15 percent; and
- (3) Any expansion or alteration of development existing prior to \_\_\_ [insert effective date of this Ordinance], to the maximum extent practicable, if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations), as measured over any five-year period.

#### (B) Exemptions

The following development is exempt from the standards of this Section:

- (1) All uses in the AP district;
- (2) All uses in the Agricultural use classification;
- (3) Development of single family detached dwellings and duplex dwellings on an individual lot;
- (4) Any change of use or alteration of the interior of a building that does not result in an increase in the number of off-street parking spaces serving the building of 15 percent or more; and
- (5) Sites containing public utility equipment that is less than 1,000 square feet in area, if the equipment is completely screened from view from adjoining rights-of-way and lots.

### 5.3.3. Timing of Review

Review for compliance with the standards of this Section shall occur during review of an application for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), building permit (Sec. 2.5.12), or subdivision, whichever occurs first.

### 5.3.4. Alternative Landscape Plan

If unusual topography, location of existing buildings, or location or size of the parcel to be developed would make strict adherence to the requirements of this Section serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, an applicant may submit and the Director shall review and may decide to approve, approve with conditions, or deny an alternative landscape plan. The alternative landscape plan shall be approved only upon finding all of the following:

- (A) The alternative landscaping would be consistent with the spirit and intent of this Section;
- (B) The visual appearance of the property with the alternative landscaping would be equal or superior to what it would be with the required landscaping; and
- (C) No invasive vegetation is proposed.

### 5.3.5. Installation or Surety Required

No certificate of occupancy for development subject to the requirements of this Section shall be issued until the applicant has installed landscaping in accordance with the requirements of this Section and this Ordinance, except a temporary certificate of compliance may be issued if financial surety is provided in accordance with Sec. 5.3.7(C), Installation of Required Landscaping.

**5.3.6. Landscape Plan**

A landscape plan that depicts how the proposed development complies with the standards of this Section shall be prepared by a landscape architect and submitted with a preliminary application for any development subject to the requirements of this Section.

**5.3.7. Landscaping Standards**

The installation and maintenance of all plantings and other improvements required by this Section shall comply with the following standards.

**(A) Plant Species and Materials**

**(1) Plant Diversity**

- (a) To curtail the spread of disease or insect infestation in a tree species, required plantings shall comply with the following standards:
  1. When fewer than 20 trees are required on a site, at least two different species shall be utilized, in roughly equal proportions.
  2. When more than 20, but fewer than 40 trees are required to be planted on site, at least three different species shall be utilized, in roughly equal proportions.
  3. When 40 or more trees are required on a site, at least four different species shall be utilized, in roughly equal proportions.
- (b) Nothing in this subsection shall be constructed so as to prevent the utilization of a larger number of different species than specified above.

**(B) Minimum Plant Sizes at Installation**

Unless otherwise specifically stated in this Section, the minimum plant size of required landscaping at the time of installation shall comply with Table 5-7: Minimum Plant Sizes.

<b>Table 5-7: Minimum Plant Sizes</b>	
<b>Plant Material Type</b>	<b>Minimum Size [1]</b>
Canopy Tree	2.5 in caliper and 12 ft tall
Understory tree (or ornamental tree), single-stem	2 in caliper
Understory tree (or ornamental tree), multi-stem	1.5 in caliper
Shrub	3-gallon container size and 18 in tall
<i>ft = feet in = inches</i>	
<b>NOTES:</b>	
[1] The caliper or diameter of trees shall be measured six inches from the ground level up to a four-inch caliper diameter and at 12 inches for four-inch caliper diameter or greater.	

**(C) Installation of Required Landscaping**

- (1) All plants shall be installed so as to ensure their best chance of survival and to reduce the potential expense of replacing damaged plant materials. Sufficient soil volume shall be provided for tree roots to allow for the tree’s healthy growth and survival to its mature size.
- (2) If the season, weather, or water rationing conditions prohibit planting of trees or shrubs, the developer may provide a performance guarantee, an irrevocable letter of credit, or other cash bond acceptable to the County Attorney, in an amount equal to 150 percent of the cost of installing the required trees or shrubs, to guarantee the completion of the required planting. A temporary certificate of compliance for the development shall be issued only on approval of the financial surety. All required improvements must be completed within the time period established in the development approval, or within 18 months of the date the developer provides financial surety, whichever period is shorter. The developer may request and the Director may grant, for good cause shown, one extension, not to exceed six months, of the period for completion.

**(D) Credit for Existing Vegetation**

Existing vegetation in good health that meets all applicable standards in this Section may be used to satisfy any planting requirements, provided the vegetation is in fair or better condition and is protected before and during development. Existing vegetation that is to be used to meet the standards of this Section shall be identified on the landscape plan.

**(E) Groundcover in Landscaped Areas**

(1) Except immediately around plantings where organic mulch is used to maintain soil moisture and prevent the growth of weeds, areas where landscaping is required shall be completely covered with vegetative or inorganic ground cover as follows:

(a) Inorganic ground covers consisting of river rock or similar materials may cover up to 20 percent of the required landscape planting area.

(b) Vegetative ground covers shall cover all required landscaping areas that are not covered by inorganic ground covers or organic mulch as set forth in this Section, within two years of installation, or, in the case of turf or grass seeding, at the time of installation.

(2) All planted materials are to be mulched with an organic type of mulch such as shredded bark, ground wood chips (not sawdust), or pine straw. Mulch shall be applied as follows:

(a) For trees and shrubs, three to four inches deep at the base of shrubs and trees or from the trunk to the dripline for newly-planted trees; and

(b) For ground cover and perennials, one to two inches deep in sufficient coverage to conserve moisture and suppress weeds without inhibiting growth of the landscape plants.

**(F) Maintenance of Landscape Areas**

(1) Landscaping required by this Section shall be maintained in a healthy and growing condition and kept free from refuse and debris. All unhealthy and dead materials shall be replaced during the next appropriate planting period.

(2) All pruning shall be accomplished according to good horticultural standards. Trees shall be pruned only as necessary to promote healthy growth. Trees shall be allowed to attain their normal size and shall not be severely pruned or hat-racked in order to permanently maintain growth at a reduced height (see Figure 5-7: Example of Hat-racking). Trees may be periodically pruned or thinned in order to reduce the leaf mass in preparation for storms.

(3) All required landscaping shall be comprised of species that are drought tolerant or that are planted with sufficient irrigation systems to maintain the tree in good health.

**Figure 5-7: Example of Hat-racking**



**5.3.8. Perimeter Buffers**

**(A) Purpose**

Perimeter buffers are provided to protect land uses from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder, and other harmful or noxious effects likely to be emitted by or associated with an adjacent incompatible and more intense land use.

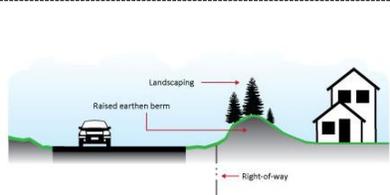
**(B) Location and Measurement**

- (1) Perimeter buffers required by this subsection shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line.
- (2) In cases where the parcel boundary line is within a drainage swale, the perimeter buffer shall extend to the edge of the swale instead of the property line.
- (3) Minimum dimensions shall be measured from the respective property line, except where perimeter buffer yards are permitted to straddle property lines. Where perimeter buffer yards turn at property corners, the length measurements determining plant quantities shall not overlap.

**(C) Buffer Types Defined**

Table 5-8: Perimeter Buffer Types, identifies four types of buffers based on their function, width, and minimum screening requirements. Each buffer type includes two options for plantings and other screening.

<b>Table 5-8: Perimeter Buffer Types</b>		
<b>Perimeter Buffer Options</b>	<b>Description</b>	<b>Minimum Screening Required</b>
<b>Type A: Basic Buffer</b>		
	This buffer functions as a basic edge demarcating individual properties with slight visual obstructions from the ground to a height of 10 feet.	Buffer minimum 10 feet in width  4 ACI of canopy trees plus 6 ACI of understory trees, plus 10 shrubs per 100 linear feet
<b>Type B: Aesthetic Buffer</b>		
	This buffer functions as an intermittent visual obstruction from the ground to 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.	Buffer minimum 20 feet in width  6 ACI of canopy trees plus 10 ACI of understory trees plus 15 shrubs per 100 linear feet
<b>Type C: Semi-Opaque Buffer</b>		
	This buffer functions as semi-opaque screen from the ground to at least a height of 6 feet	Buffer minimum 30 feet in width  12 ACI of canopy trees, plus 12 ACI of understory trees, plus 20 shrubs per 100 linear feet

Table 5-8: Perimeter Buffer Types		
Perimeter Buffer Options	Description	Minimum Screening Required
<b>Type D: Opaque Buffer</b>		
	This buffer functions as an opaque screen from the ground to a height of at least 6 feet. This type of buffer prevents visual contact between uses and creates a strong separation	Buffer minimum 40 feet in width  18 ACI of canopy trees, plus 20 ACI of understory trees, plus 35 shrubs per 100 linear feet
<b>Type E: Earthen Berm</b>		
	The elevated earthen berm functions as an opaque screen, supplemented by vegetation planted on the top of the berm.	Minimum height of 2 feet Minimum crown of 2 feet Stabilized side slope of 4:1  Landscaped so that 75% of raised area is planted with a combination of trees, shrubs, hedging, and/or ground cover
<i>ACI = Aggregate Caliper Inches</i>		

**(D) Required Buffer Type**

Table 5-9: Required Buffer Type, identifies the type of perimeter landscape buffer that proposed new development shall provide between it and adjacent property, based on the proposed use of the development site and the use of the adjacent property, or if the adjacent land is vacant, the zone district of the adjacent land. The required buffer types in Table 5-9: Required Buffer Type, are indicated by letters corresponding to the buffer to the buffer types identified in Table 5-8: Perimeter Buffer Types. The applicant may select the buffer option of the buffer type required.

<b>Table 5-9: Required Buffer Type</b>						
<b>Use Proposed</b>	<b>Existing Use or Zone District of Vacant Land on Adjacent Site</b>					
	<b>Single Family Detached Dwelling or Two-Family Dwelling (vacant land in RR and RG districts)</b>	<b>All uses in Household Living category except for Single Family Detached and Two-Family Dwellings (vacant land in CRC and CN districts)</b>	<b>Use in the Civic and Institutional or Commercial Use Classifications (vacant land in the CC, COR, and O districts)</b>	<b>Uses in the Industrial Use Classification (vacant lands in the IL, IM, and IH districts)</b>	<b>Uses in the Agriculture Use Classification (vacant land in the AF district)</b>	<b>Highway, Arterial, and Collector Roads</b>
Single family detached and two-family dwellings	-	B	B	D	-	C (Collector) D (Arterial)
All uses in Household Living category except for Single Family Detached and Two-Family Dwellings	B	A	B	D	[1]	D
Any use in the Civic and Institutional or Commercial use classifications	C	B	-	C	C [2]	E
Uses in the Industrial Use classification	D	D	D	-	D [2]	E
<b>NOTES:</b>						
[1] Section 5.7, Agricultural Compatibility Standards, applies.						
[2] These standards apply in addition to Section 5.7, Agricultural Compatibility Standards.						

**(E) Location of Perimeter Buffer**

- (1) Except as provided by subsection (2) below, perimeter landscaped buffers required by this section shall be located on the lot where development is proposed along the outer perimeter of the lot and shall extend to the lot boundary line.
- (2) Where the proposed development on a lot and the use on an abutting lot are either nonresidential or mixed-use, the perimeter landscape buffer may be located along a shared easement between the lots.

**(F) Development within Perimeter Buffer**

**(1) Uses Allowed in Buffer Yard**

- (a) The construction of any building or the placement of any mechanical equipment within a perimeter buffer yard is not permitted except for equipment necessary for the provision of public utilities.

- (b) Signs are prohibited within the perimeter buffer.
- (c) The following uses are permitted in a perimeter landscaped buffer if none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer is maintained, and all other requirements of this subsection are met:
  - 1. Passive recreation;
  - 2. Sculptures, outdoor furniture, or picnic areas;
  - 3. Pedestrian or bicycle trails; and
  - 4. Stormwater retention areas.
- (d) The required landscape buffer shall not contain any development, impervious surfaces, or site features except those required or allowed by this subsection (e.g., fences, walls, and sidewalks).

**(2) Sidewalks, Trails, and Other Elements**

Sidewalks, trails, and other elements associated with passive recreation may be placed in a perimeter landscape buffer if all required landscaping and buffering is provided and damage to existing vegetation is minimized.

**(G) Credit for Parking Area Perimeter Landscaping**

Perimeter landscaping around parking lots provided in accordance with Sec. 5.3.9(A), Perimeter Landscaping, may be credited toward the perimeter buffer requirements in this subsection.

**5.3.9. Parking Lot Landscaping**

**(A) Perimeter Landscaping**

Landscaping is required along the perimeter of a parking lot, except in locations at parking lot entrances, sight triangles, adjacent to the building on the site, or where other natural features (such as steep slopes or creeks) require breaks in such perimeter parking lot landscaping. The perimeter parking lot landscaping area shall be a minimum of 10 feet in width. The landscaping shall consist of a continuous row of evergreen shrubs having a maximum separation of six feet on center and a minimum two-foot height at installation with an expected height of three to four feet at maturity. In addition, canopy trees shall be planted with a maximum average spacing of 50 feet on center, on average, except in areas lying under overhead power lines, where understory trees shall be planted with a maximum average spacing of 30 feet on center.

**(B) Screening from Abutting Residential or Agricultural District or Residential Use**

Except where a perimeter buffer is required in accordance with Sec. 5.3.8, Perimeter Buffers, any parking lot landscaping area that directly abuts a Residential or Agricultural district (the AF: Agricultural and Forestry, RR: Residential Rural, or RG: Residential General districts) or a lot with a residential use shall be screened from view from the Residential district or residential use by a continuous wall, berm, or fence at least six feet in height.

**(C) Interior Parking Lot Landscaping**

All parking lots, except those on single-family or two-family (duplex) lots, shall include parking lot landscaping that complies with the following standards.

**(1) Parking Islands**

Parking islands shall be provided throughout the parking lot and located no more than 100 feet from another parking island and at the terminus of all rows of parking. Each parking island shall:

- (a) Be at least five feet wide and average at least 162 square feet in area for single parking rows, and 324 square feet for double parking rows; and
- (b) Contain at least one canopy tree or two understory trees per 162 square feet of area, or fraction thereof.

**(2) Additional Interior Parking Lot Landscaping Standards**

- (a) At least one shrub shall be provided for every 200 square feet of parking island area, exclusive of perimeter plantings. The shrubs may be placed in the islands, or in other locations within the interior of the parking lot. Any shrub contained in a parking island shall not exceed 30 inches in height.
- (b) All landscaped areas in or adjacent to a parking lot shall be protected from vehicular damage by either a raised curb at least six inches in height, or a wall at least 30 inches in height.
- (c) All interior landscaped areas of the parking lot not dedicated to trees or to preservation of existing vegetation, including parking islands, shall be landscaped with grass, ground cover, shrubs, or other appropriate landscape treatment.
- (d) Pavement shall not be used as landscape treatment.

**5.3.10. Loading, Display Area, and Service Area Landscaping**

- (A) All loading areas, display areas at least 15 feet wide, and utility service areas shall provide one of the following types of screens to block the view from any public street rights-of-way:
  - (1) A closed fence or wall at least six feet high that is compatible with the principal building on the site. It shall be landscaped with additional planting materials designed so that no more than two-thirds of the surface area of the fence or wall is visible from the public right-of-way within three years of erection of the structure; or
  - (2) Vegetative material that is a minimum of four feet in height when planted, separated by no more than two feet between plant foliage, and expected to reach six feet or greater in height within two years of planting.
- (B) Any access point to a utility service area that is visible from the public street right-of-way shall be screened with gates.

**5.3.11. Large Parking Lots**

In addition to the standards of this Section, parking lots having 200 or more parking spaces shall comply with the standards in Sec. 5.2.5(H), Large Parking Lots.

**5.3.12. TDOT Planting Permit Required**

All proposed landscaping within a Tennessee Department of Transportation (TDOT) right-of-way shall require approval of a planting permit from the TDOT Division Roadside Environmental Engineer, and shall comply with the TDOT's Guidelines for Planting Within Right-of-Way,

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**Section 5.4 Exterior Lighting Standards**

**5.4.1. Purpose**

The purpose and intent of this Section is to regulate exterior lighting to:

- (A) Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;
- (B) Assure that excessive light spillage and glare are not directed at adjacent property, neighboring areas, and motorists;
- (C) Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors;
- (D) Conserve energy and resources to the greatest extent possible; and
- (E) Provide security for persons and property.

**5.4.2. Applicability**

**(A) General**

Unless exempted in accordance with subsection (B) below, the standards of this Section apply to the following:

- (1) All new development; and
- (2) Any individual expansion or alteration of a building over a five-year period, if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations).

**(B) Exemptions**

The following are exempt from the requirements of this Section:

- (1) Uses in the Agriculture use classification;
- (2) Lighting exempted under state or federal law;
- (3) FAA-mandated lighting associated with a tower or airport;
- (4) Public utility lights;
- (5) Lighting for public monuments and statuary;
- (6) Lighting solely for signage (see Section 5.11, Sign Standards);
- (7) Lighting for outdoor recreational uses such as ball diamonds, football fields, soccer fields, other playing fields, tennis courts, and similar uses, provided that:
  - (a) Light poles are not more than 30 feet in height, except those used to light the ball diamonds, football fields, and other playing fields;
  - (b) Maximum illumination from such lighting at the property line is not brighter than 2.0 foot-candles; and
  - (c) Such lighting is extinguished no later than 11:00 p.m., except to complete an activity that is in progress prior to 11:00 p.m.
- (8) Temporary lighting of construction sites, provided that such lighting is discontinued upon completion of the construction activity;
- (9) Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation,
- (10) Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;
- (11) Underwater lighting in swimming pools, fountains, and other water features;
- (12) Holiday or festive lighting, provided such lighting does not create unsafe glare on street rights-of-way; and
- (13) Outdoor lighting fixtures that do not comply with provisions of this Section on \_\_\_\_\_ [insert effective date of this Ordinance] provided they are brought into compliance with this Section when they become unrepairable.

**5.4.3. Timing of Review**

Review for compliance with the standards of this Section shall occur during review of a development application for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), building permit (Sec. 2.5.12), or subdivision, whichever occurs first.

**5.4.4. General Standards**

**(A) Hours of Illumination**

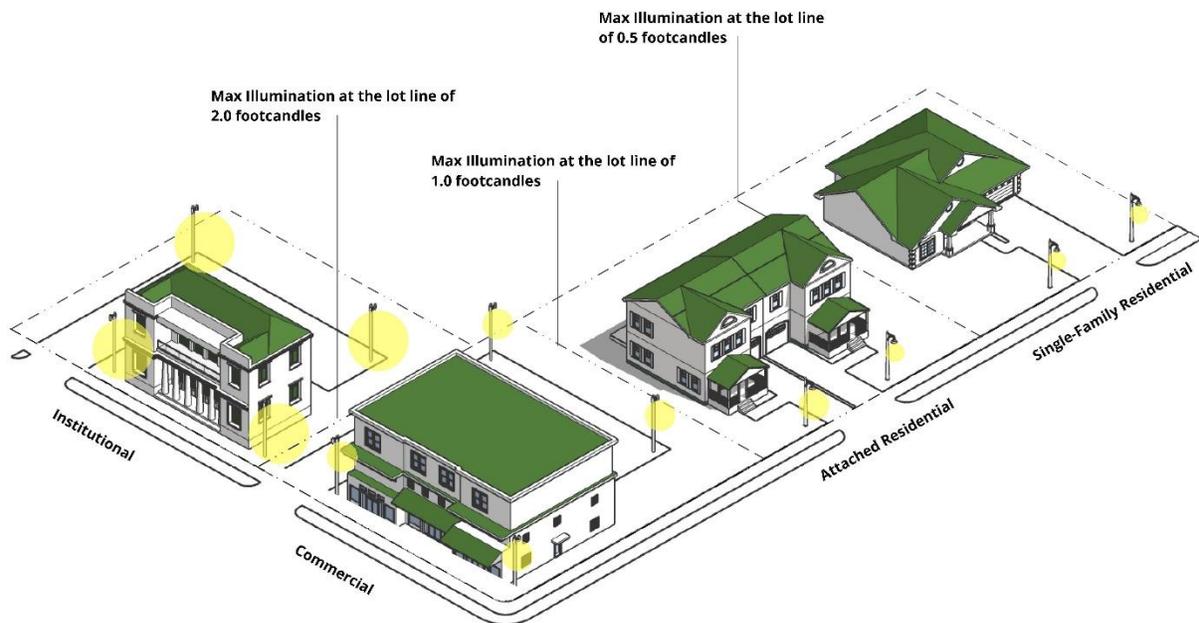
Uses in the Civic/Institutional, Commercial, and Industrial use classifications as well as mixed-use development that are adjacent to existing residential development shall extinguish all exterior lighting except lighting necessary for recreation, security, or emergency purposes by 11:00 P.M. or within one hour of closing, whichever occurs first. For the purposes of this paragraph, lighting necessary for security or emergency purposes shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, illumination of exterior walkways, or illumination of outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.

**(B) Maximum Illumination Levels**

Except for street lighting, all exterior lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in foot candles at ground level at a lot line shall not exceed the standards in Table 5-10: Maximum Illumination Levels. See Figure 5-8: Maximum Illumination Levels.

Table 5-10: Maximum Illumination Levels	
Type of Use	Maximum Illumination Level at Lot Line (Foot Candles)
Single Family Detached Dwellings, Two-Family Dwellings (Duplexes)	0.5
All other uses in the Residential use classification	1.0
Uses in the Civic and Institutional or Commercial use classifications (except Transportation and Utility facilities)	2.0
Transportation and Utility facilities, and uses in the Industrial use classification	3.0

**Figure 5-8: Maximum Illumination Levels**



**(C) Maximum Height**

Except for athletic field lighting fixtures, which shall not exceed 95 feet in height, and street lighting, the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 5-11: Maximum Height for Exterior Lighting..

Table 5-11: Maximum Height for Exterior Lighting	
Zone District	Maximum Height (Feet)
Residential Districts	30
Commercial and Planned Development Districts	25

Table 5-11: Maximum Height for Exterior Lighting	
Zone District	Maximum Height (Feet)
Within 100 feet of an Agricultural and Residential District	15

**(D) Full Cut-off Fixtures Required**

All exterior luminaries, including security lighting, shall use full cut-off fixtures that are directed downward, consistent with Figure 5-9: Full Cut-Off Fixtures. In no case shall lighting be directed above a horizontal plane through the lighting fixture.

**Figure 5-9: Full Cut-Off Fixtures**



**5.4.5. Standards for Specific Uses and Site Features**

**(A) Off-Street Parking Areas**

- (1) Off-street parking areas shall maintain average horizontal illuminance values during times when the parking area is in use that do not exceed 4.0 foot candles of illumination.
- (2) The ratio of maximum-to-minimum horizontal illuminance within the parking area shall not exceed 10:1.

**(B) Sports or Performance Venue**

Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

**(C) Wall Pack Lights**

Wall packs on the exterior of a building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and shall not exceed 1,600 lumens for any single fixture.

**(D) Canopy**

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:

- (1) A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cut-off or fully-shielded light distribution; or
- (2) A surface-mounted fixture incorporating a flat glass that provides a full cut-off or fully-shielded light distribution.

**(E) Decorative and Landscape Lighting**

On sites with uses other than single-family detached dwellings, light fixtures used for decorative effects shall comply with the following standards:

- (1) Decorative lighting intended to enhance the appearance of a building and/or landscaping shall cast all light downward (rather than upward) against the building surface or onto a landscape feature, and shall not create a safety issue or a nuisance to adjacent property owners.
- (2) Decorative lighting fixtures shall not exceed 1,600 lumens for any single fixture.

**5.4.6. Street Lights**

- (A) Street lights shall be located inside full cut-off fixtures.
- (B) Street lights shall be mounted on non-corrosive poles served by underground wiring.
- (C) The light structure and light color of street lights in an individual subdivision or development shall be consistent throughout the subdivision or development.

**5.4.7. Prohibited Lighting**

The following exterior lighting is prohibited:

- (A) Light fixtures that imitate an official highway or traffic control light or sign;
- (B) Light fixtures that have a flashing or intermittent pattern of illumination, except signage with an intermittent pattern of illumination allowed in accordance with Section 5.11, Sign Standards; and
- (C) Searchlights, except when used by federal, state or local authorities.

**5.4.8. Illumination Measurement**

- (A) Illumination measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground.
- (B) Illumination measurements shall be taken with a light meter that has been calibrated within two years.

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**Section 5.5 Open Space Set-Aside Standards**

**5.5.1. Purpose and Intent**

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes, including preserving natural resources, ensuring resident access to open areas and active recreation, reducing the heat island effect of developed areas, enhancing storm water management, and providing other public health benefits.

**5.5.2. Applicability**

**(A) General**

Unless exempted in accordance with subsection (B) below:

- (1) All new development shall comply with the standards of this Section.
- (2) Any expansion or alteration of development existing prior to \_\_\_ [insert effective date of this Ordinance] shall comply with the standards of this Section, if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations), as measured over any five-year period.

**(B) Exemptions**

The following development is exempt from the standards of this Section:

- (1) All uses in the Agriculture use classification;
- (2) Detached single-family and two-family dwellings on individual lots that are not part of a larger platted subdivision;
- (3) Platted subdivisions consisting of lots one acre in size or greater; and
- (4) Utility facility uses.

**5.5.3. Timing of Review**

Review for compliance with the standards of this Section shall occur during review of an application for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), building permit (Sec. 2.5.12), or subdivision, whichever occurs first.

**5.5.4. Open Space Set-Aside Standards**

**(A) Amount of Open Space Required**

Development subject to the standards in this Section shall provide the minimum amounts of open space identified in Table 5-12: Required Open Space Set-Asides, based on the use and zone district classification.

<b>Table 5-12: Required Open Space Set-Asides</b>			
	<b>Minimum Open-Space Set Aside (Percentage of Development Site Area)</b>		
<b>Use Classification</b>	<b>Residential Districts (RG, RN)</b>	<b>Commercial Districts, except for IL, IM, and IH (CRC, CN, CC, COR)</b>	<b>IL, IM, and IH Districts</b>
Residential	40	25	20
Civic and Institutional Commercial Mixed uses	-	15	10
Industrial	-	15	5
Planned Development	25	25	20

**5.5.5. Areas Counted Toward Open Space Set-Aside Standards**

**(A) General**

The features and areas identified as counting toward open space set-asides in Table 5-12: Required Open Space Set-Asides, shall be credited towards compliance with the amount of open space set-aside required by Table 5-13: Open Space Set-Aside Features. A maximum of five percent of the open space set-aside may consist of amenity areas.

Table 5-13: Open Space Set-Aside Features		
Area Counted as Open Space Set-Asides	Description	Design and Maintenance Requirements
<b>Natural Features</b>		
	Lakes, rivers, streams, ponds, wetlands, other riparian areas, flood hazard areas, steep slopes, other environmentally sensitive lands, and wildlife habitat areas	Preservation of any existing natural features shall generally have highest priority for locating open space set-asides. Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions.
<b>Required Landscape Areas</b>		
	All areas occupied by required landscape areas, vegetative screening, and buffers, except landscape areas within parking lots	See Section 5.3, Landscaping Standards
<b>Stormwater Management Areas</b>		
	All of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices)	To qualify, stormwater management facilities shall support passive recreation uses by providing access, pedestrian elements such as paths and benches, gentle slopes (less than 4:1), and vegetative landscaping.
<b>Access Easements with Paths or Trails</b>		
	Public access easements that include paths or trails that are available for passive recreational activities such as walking, running, and biking	Such access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point, and adequate path and right-of-way width to accommodate the use and maintenance of the facilities.
<b>Active Recreational Areas</b>		
	Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks.	Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource.  Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.

**(B) Areas Not Counted as Open Space**

The following areas shall not be counted as open space set-aside areas:

- (1) Private yards and setbacks not subject to an open space or conservation easement;
- (2) Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;
- (3) Open parking areas and driveways;
- (4) Land covered by structures, unless designated for active recreational uses;
- (5) Designated outdoor storage areas;
- (6) Primary Decentralized Wastewater Treatment and Disposal Areas; and
- (7) Parking lot interior landscaping.

**5.5.6. Design Standards for Open Space Set-Asides**

**(A) Location**

Open space set-asides shall be located so they are readily accessible and usable by occupants and users of the development.

**(1) Configuration**

- (a) Open space set-asides shall be compact and contiguous, unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features.
- (b) If the development site is adjacent to existing or planned public trails, parks, or other public open space area, the open space set-aside shall be located to adjoin, extend, and enlarge the trail, park, or other public open space area.

**(B) Prioritization of Open Space Set-Aside**

Open space set-asides shall be located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following general order of priority:

- (1) Natural features such as riparian areas, riparian buffers, steep slopes, flood hazard areas, floodplains, and wildlife habitat areas;
- (2) Water features such as lakes, rivers, streams, natural ponds, wetlands, and retention and detention ponds;
- (3) Mature trees;
- (4) Parks and trails;
- (5) Perimeter buffers or visual transitions between different types or intensities of uses; and
- (6) Areas that accommodate multiple compatible open space set-aside uses rather than a single use.

**5.5.7. Development Allowed within Open Space Set-Aside**

Development within an open space set-aside shall be limited to that appropriate to the purposes of the type(s) of open space set-aside. Where appropriate, such development may include, but is not limited to:

- (A) Walking, jogging, and biking paths or trails;
- (B) Benches or other seating areas; meeting areas;
- (C) Tables, shelters, grills, and other picnicking facilities;
- (D) Docks and other facilities for fishing;
- (E) Environmental education guides and exhibits; gazebos and other decorative structures;
- (F) Fountains or other water features;
- (G) Play structures for children;

- (H) Gardens or seasonal planting areas;
- (I) Swimming pools; or
- (J) Athletic fields and courts, and associated clubhouses.

### 5.5.8. Protection and Maintenance

#### (A) Retained on Private Lots

All options involving private ownership of open space set-aside areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective management, operation, and maintenance of the land and facilities. Such legal documents shall be recorded in the public records of Maury County, where appropriate.

#### (B) Dedicated to Homeowners' or Property Owners' Association

Except as provided in subsection (C) below, residential development consisting of two or more lots, all open space set-aside areas shall be owned jointly or in common by the owners of the development through a recognized homeowners' or property owners' association. Such associations shall be subject to the following:

##### (1) Review of Documents Creating Association

As part of the review of the association's documents, the County Attorney shall review all documents governing ownership, maintenance, and use restrictions for the open space set-aside, including a legal description of such areas to ensure full compliance with the requirements of this Section. The documents shall be included with a submission for a Final Plat, in accordance with Sec. <>, Final Plat, of the Subdivision Regulations.

##### (2) Property Owner Responsibility

The property owner or applicant shall establish the association and provide written proof of the same prior to recordation of the final plat of subdivision.

#### (C) Dedication of Open Space Set-Asides to Others

##### (1) Dedication to a Non-profit Organization or Similar Entity

The property owner or applicant may propose that certain lands designated as open space set-aside areas, such as wetlands, floodplains, or other natural areas, be dedicated to a non-profit organization or a similar entity in perpetuity who shall be responsible for managing the open space. To ensure adequate management of the open space set-aside, such dedication shall be reviewed by the County Attorney as part of the development review process.

##### (2) Dedication to the County or Other Government Entity

- (a) The homeowners' or property owners' association may propose that certain lands designated as common space or open space set-aside areas, such as wetlands, floodplains, or other natural areas, dedicated to the County or other government entity in perpetuity who shall be responsible for managing the open space or common space.
- (b) To ensure adequate management of the open space set-aside, such a dedication shall be reviewed by the County Attorney and may require a revision to the site plan, in addition to any amendments required by the Subdivision Regulations.
- (c) An offer of dedication of any common space or open space set-aside, regardless of the type of resources or amenities placed thereon, shall not become the responsibility of the County or other governmental entity unless the dedication is formally accepted by the County or other governmental entity by its governing body. Nothing in this Section requires the County or other governmental entity to accept the offer of dedication.

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## Section 5.6 Steep Slope Standards

### 5.6.1. Purpose

The purpose of this Section is to guide development on steep slopes, hilltops, and ridgetops to protect natural areas and features, mitigate against erosion and landslides where possible, and locate development in areas that do not have severe environmental limitations.

### 5.6.2. Applicability

This Section applies to all land disturbing activity and development activities proposed on:

- (A) Steep slopes; and
- (B) Hilltops and ridgetops.

### 5.6.3. Timing of Review

Review for compliance with the standards of this Section shall occur during review of an application for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), building permit (Sec. 2.5.12), or subdivision, whichever occurs first.

### 5.6.4. Steep Slopes

#### (A) Measurement of Steep Slopes

- (1) The restrictions on development on steep slopes refer to existing (pre-development) site conditions.
- (2) Slopes shall be determined by dividing the vertical rise in elevation by the horizontal run of the same slope and converting the result into a percentage value.

#### (B) Identification of Steep Slope Areas

Steep slope areas are classified into one of the following categories.

##### (1) Moderately Steep Slope Areas

Moderately steep slope areas are areas with slopes from 15 to 25 percent.

##### (2) Very Steep Slope Areas

Very steep slope areas are areas with slopes in excess of 25 percent.

#### (C) Minimum Size of Steep Slope Areas

The steep slope standards of this Section do not apply to isolated steep slope areas that are less than 10,000 square feet in area. For purposes of this provision, the entire contiguous area of the steep slopes shall be included in the minimum size calculation, regardless of the number of individual lots or property lines involved.

#### (D) Steep Slope Standards

##### (1) Very Steep Slopes

- (a) Where open space set-asides are required as part of a development, all very steep slope areas shall be preserved as open space set-asides, to the maximum extent practicable, in accordance with Section 5.5, Open Space Set-Aside Standards.
- (b) Where open space set-asides are not required as part of a development, very steep slope areas may be located on a lot, provided that the area(s) is not located within a building envelope or areas subject to land disturbing activities.

##### (2) Moderately Steep Slopes

Where moderately steep slopes are located within a building envelope, an engineered site plan shall be required. All roads and driveways located within moderately steep slope areas shall follow natural contour lines, to the maximum extent practicable.

**(E) Prohibition on Land Disturbance**

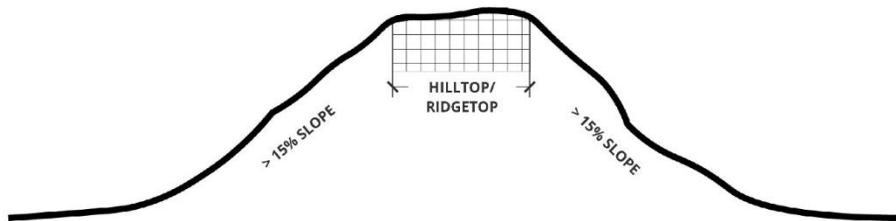
- (1) Land disturbing activities, including but not limited to clearing, excavation, grading, construction, reconstruction, and investigative land disturbing activities such as test wells, are prohibited on any very steep slope area, except for the following activities:
  - (a) Passive recreation uses, including trails for non-motorized use only;
  - (b) Driveways and minor utilities, subject to standards in the Subdivision Regulations and this subsection;
  - (c) Driveways and/or minor utilities on very steep slope areas between 25 and 50 percent, if a geotechnical study is submitted and demonstrates that:
    1. The driveway and/or minor utility will not have significant adverse environmental, safety, or visual impacts.
    2. All significant adverse environmental, safety, or visual impacts of the driveway and/or minor utility will be substantially mitigated by appropriate engineering or other measures; and
    3. No alternative location for access or minor utilities is feasible or available.
- (2) No driveways or minor utilities shall cross very steep slopes that exceed 50 percent.

**5.6.5. Hilltops and Ridgetops**

**(A) Identification of Hilltop and Ridgetop Areas**

- (1) Hilltops and ridgetops are areas of land at least 200 feet in width with a slope of less than 15 percent, located directly above moderately steep and/or very steep slope areas (See Sec. 5.6.4(B), Identification of Steep Slope Areas), and that are completely surrounded by such steep slope areas. See Figure 5-10: Hilltops and Ridgetops.

**Figure 5-10: Hilltops and Ridgetops**



- (2) Hilltops and ridgetops shall be exempt from the requirements of this Section where the applicant can demonstrate to the Director that the hilltop or ridgetop is less predominate than surrounding features and/or that proposed development activities will achieve better aesthetic and structural results than the protection standards established in this Section.

**(B) Hilltop and Ridgetop Standards**

- (1) Where open space set-asides are required as part of a development, a minimum of 80 percent of each hilltop and ridgetop area shall be maintained as open space set-asides, to the maximum extent practicable, in accordance with Section 5.5, Open Space Set-Aside Standards.
- (2) Where open space set-asides are not required as part of a development, hilltop and ridgetop areas may be located on a lot, provided that a minimum of 70 percent of the hilltop and ridgetop area(s) are not located within a building envelope or areas subject to land disturbing activities.
- (3) Development and uses on hilltops and ridgetops shall be planned to minimize disturbance to soil geology, hydrology, and environmental features.

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## Section 5.7 Agricultural Compatibility Standards

### 5.7.1. Purpose and Intent

The purpose of these agricultural compatibility standards is to promote development that is compatible with the existing agricultural uses and activities throughout the County. More specifically, it is the intent of these standards to:

- (A) Ensure that new non-agricultural development does not have negative impacts on existing adjacent agricultural uses and activities;
- (B) Maintain and promote the rural character of lands in the AF: Agricultural Forestry and RR: Residential Rural districts; and
- (C) Ensure greater compatibility between existing agricultural uses and activities and new non-agricultural development.

### 5.7.2. Applicability

#### (A) General

The standards in this Section shall apply to all lands within or adjacent to the AF: Agricultural Forestry and RR: Residential Rural districts.

#### (B) Conflict

In case of a conflict between these agricultural compatibility standards and other standards in this Ordinance, these agricultural compatibility standards shall control.

### 5.7.3. Timing of Review

Review for compliance with the standards of this Section shall occur during review of an application for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), building permit (Sec. 2.5.12), or subdivision, whichever occurs first.

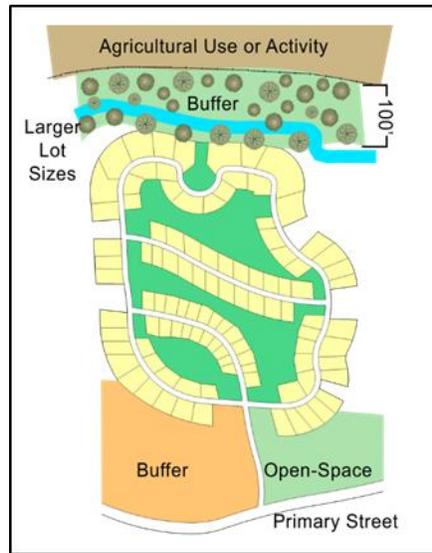
### 5.7.4. Agricultural Preservation District Compatibility Standards

Development subject to this Section shall comply with the following standards:

#### (A) Agricultural Buffer

All development shall provide and maintain a vegetative buffer and fencing along all property lines abutting land containing an existing Agriculture Preservation District use or activity in accordance with subsections (1) through (4) below, for as long as the Agriculture use or activity continues. See Figure 5-11: Agricultural Compatibility Features.

Figure 5-11: Agricultural Compatibility Features



**(1) Buffer Width**

The buffer shall be at least 100 feet wide, except that the Director may allow a reduction in the buffer width by up to 25 feet on determining that the reduced width is justified by:

- (a) A low likelihood of noise, spray drift, dust, or light from the adjacent agricultural use or activity based on its type or intensity;
- (b) An intervening topographic change that provides enhanced screening; or
- (c) The existence or provision of vegetation within the buffer in addition to that required by subsection (2) below.

**(2) Buffer Materials**

- (a) Agricultural buffers shall consist of a mix of trees, shrubs, berms, and natural features sufficient to reduce noise, spray drift, and dust; diffuse light; and act as a physical separation between agricultural uses/activities and the non-agricultural use(s).
- (b) A buffer may incorporate fences or walls to provide additional screening and/or limit access across the buffer.
- (c) Where the agricultural buffer is directly adjacent to a residential dwelling or residential lot, in addition to the requirements above, the length of the buffer running parallel to the dwelling along the property line shall be planted with a minimum of two offset rows of trees that provide an average spacing between the canopies of trees of ten feet or less, at maturity. Each such tree shall:
  - 1. Be a minimum height of eight feet and minimum caliper of two inches when planted.
  - 2. Be a native species that can be expected to attain at maturity a minimum height of 35 feet and have a crown width of 25 feet or greater.

**(3) Development Allowed Within Buffer**

Development within a buffer is limited to the following:

- (a) Landscaping with native plants, trees, or hedgerows;
- (b) Crossings by roadways, driveways, railroad tracks, and utility lines (and associated maintenance corridors), where the crossing is aligned to minimize reduction of the buffer's effectiveness;
- (c) Trails that involve minimal removal or disturbance of buffer vegetation; and
- (d) Stormwater management facilities, to the extent they are determined to be necessary by the Director.

**(4) Maintenance**

- (a)** The owners of the non-agricultural property are responsible for all aspects of continuous maintenance of buffer areas.
- (b)** The owners of the non-agricultural property shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety within six months, weather permitting.
- (c)** If the development consists of multiple parcels that may be held under separate ownership, a homeowners' association, property owners' association, or similar entity shall be required to maintain the buffer. The documents establishing the organization shall be provided to the County Attorney for review and approval before their adoption.
- (d)** Buffer maintenance requirements shall be stipulated through inclusion in covenants, conditions, and restrictions, as appropriate.

**(B) Location of Open Space Set-Asides**

Any open space set-asides in the new development required by Section 5.5, Open Space Set-Aside Standards, should be located between the abutting agricultural property and the buildings in the new development, and shall be configured to accommodate the buffer required in subsection (A) above.

**(C) Notification Requirement**

Planned developments, site plans (major and minor), and subdivision plats for development subject to these standards shall bear a notation on each individual development approval indicating the development is adjacent to an existing Agriculture use or activity that is anticipated to generate noise, light, dust, odor, or vibration as part of its normal operations.

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## **Section 5.8 Neighborhood Compatibility Standards**

### **5.8.1. Purpose and Intent**

The purpose of these neighborhood compatibility standards is to provide a proper transition and ensure compatibility between single-family detached or two-family dwellings, vacant lands in the residential single-family zone districts (RR: Residential Rural and RG: Residential General), and other more intense forms of development. More specifically, it is the intent of these standards to:

- (A)** Protect the character of existing neighborhoods consisting of primarily single-family detached or two-family dwellings from potentially adverse impacts resulting from more intense and incompatible adjacent forms of development; and
- (B)** Use development form and design treatments as alternatives to large vegetated buffers.

### **5.8.2. Applicability**

**(A) General**

- (1)** Unless exempted by subsection (B) below, the standards in this Section apply to:
  - (a)** New multifamily, nonresidential, and mixed-use development when located on land adjacent to, or across a street or alley from a single-family residential lot (see subsection (3) below); and
  - (b)** Any expansion or alteration of an existing multifamily, nonresidential, or mixed-use development when located on land adjacent to, or across a street or alley from a single-family residential lot (see subsection (3) below), if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area.
- (2)** For the purposes of this Section, multifamily, nonresidential, or mixed-use development includes the following:
  - (a)** Dwellings, multifamily;

- (b) Dwellings, townhouse;
  - (c) Uses in the Group Living use category;
  - (d) Uses in the Civic and Institutional use classification (except for Community gardens, and Public parks);
  - (e) Uses in the Commercial use classification;
  - (f) Uses in the Industrial use classification; and
  - (g) Buildings containing both dwellings as principal uses and nonresidential principal uses;
- (3) Single-family residential lots include:
- (a) Lots where an existing single-family detached or two-family (duplex) dwelling is located; and
  - (b) Undeveloped land in the RR: Residential Rural and RG: Residential General districts.

**(B) Exemptions**

The following uses are exempt from the standards in this Section:

- (1) Multifamily, nonresidential, or mixed-use development when the adjacent single-family detached or two-family dwelling is located on a lot that is not within a Residential district;
- (2) Multifamily, nonresidential, and mixed-use development when separated from the adjacent single-family residential lot by a street with four or more lanes of travel or a right-of-way greater than 90 feet; and
- (3) Communication towers and equipment, minor utilities, public parks, and community gardens.

**(C) Conflict**

In the case of conflict between these neighborhood compatibility standards and other standards in this Ordinance, these neighborhood compatibility standards shall control.

**5.8.3. Timing of Review**

Review for compliance with the standards of this Section shall occur during review of applications for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), or building permit (Sec. 2.5.12), whichever occurs first.

**5.8.4. Neighborhood Compatibility Standards**

**(A) Site Design**

**(1) Building Orientation and Placement**

- (a) Multifamily, nonresidential, and mixed-use development shall be oriented to face similar forms of development on adjacent or opposing lots rather than single-family residential lots, to the maximum extent practicable.
- (b) When compatible with subsection (a) above, the primary entrance of a new building shall face the street from which the building obtains its street address or mailing address. If the rear of the house faces an existing road, a Type D or Type E buffer is required, in accordance with Sec. 5.3.8, Perimeter Buffers.
- (c) For a multi-building development that includes varying use and/or development intensities in different buildings, the development shall locate buildings with the least intense use and/or development nearest to adjacent single-family residential lots.

**(2) Parking and Driveway Areas**

- (a) The total amount of off-street parking shall not exceed 1.2 times the required minimum specified in Section 5.2, Off-Street Parking and Loading Standards, and the minimum required parking may be reduced in accordance with Sec. 5.2.7, Off-Street Vehicular Parking Alternatives), provided the developer demonstrates such reduction will not have an adverse impact on the adjacent single-family residential lots.

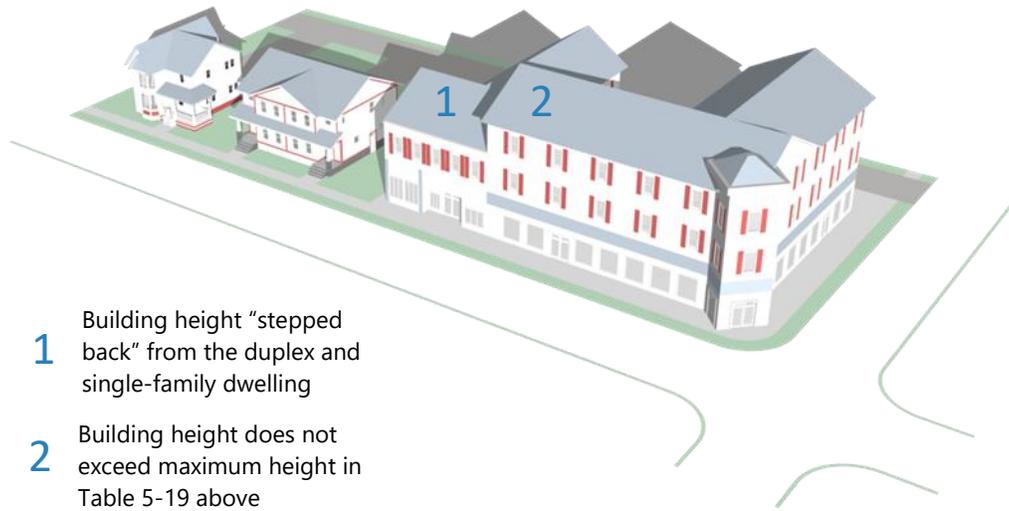
- (b) When required, off-street parking shall be established in one or more of the following locations, listed in priority order:
    1. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
    2. Adjacent to lot lines abutting nonresidential development;
    3. Adjacent to lot lines abutting mixed-use development; or
    4. Adjacent to lot lines abutting single-family residential lots.
  - (c) Off-street surface parking areas located adjacent to single-family residential lots shall be screened by a Type A perimeter buffer (see Sec. 5.3.8, Perimeter Buffers).
  - (d) Parking structure façades adjacent to single-family residential lots shall be configured to appear as articulated or landscaped building walls, to soften their visual impact.
- (3) Loading and Refuse Storage Areas**  
 Loading, service, and refuse collection areas shall be:
- (a) Located behind or to the sides of buildings away from adjacent single-family residential lots, screened with walls and/or landscaping, and provided with access that is integrated with parking areas and the vehicular circulation network;
  - (b) Screened from view of single-family residential lots; or
  - (c) Incorporated into the overall site so that the impacts of these functions are fully contained within an enclosure or are otherwise out of view from adjacent single-family residential lots.
- (4) Drive-Throughs and Outdoor Dining**
- (a) Drive-through or pick-up windows shall not be located on a building façade that faces a single-family residential lot or within 150 feet of a single-family residential lot.
  - (b) Order boxes associated with a drive-through or pick-up window shall not be located within 180 feet of single-family residential lots.
  - (c) Outdoor dining areas:
    1. Shall not be located within 150 feet of a single-family residential lot or vacant land in a single-family Residential district; or
    2. On a building façade that faces a single-family residential lot or vacant land in a single-family Residential district unless a Type B perimeter buffer (see Sec. 5.3.8, Perimeter Buffers) is provided between the outdoor dining area and the single-family residential lot.
- (5) Open Space Set-Asides**
- (a) Required open space set-asides shall be located between a proposed development and an adjacent single-family residential lot.
  - (b) Outdoor recreation features such as swimming pools, tennis courts, playgrounds, and similar features shall be at least 100 feet from any lot line shared with a single-family residential lot.
- (B) Building Height**
- (1) Building height, measured to the mean height minus subterranean slopes, shall not exceed the height established in Table 5-14: Maximum Building Height in Areas Subject to Neighborhood Compatibility Standards.

<b>Table 5-14: Maximum Building Height in Areas Subject to Neighborhood Compatibility Standards</b>	
<b>Distance From Lot Line of Single-Family Lot [1] [2]</b>	<b>Maximum Height [3]</b>
150 feet or less	3 stories or 35 feet
More than 150 feet	Applicable zone district maximum height

<b>Table 5-14: Maximum Building Height in Areas Subject to Neighborhood Compatibility Standards</b>	
<b>Distance From Lot Line of Single-Family Lot [1] [2]</b>	<b>Maximum Height [3]</b>
<b>NOTES:</b> [1] Measured from the closest portion of the lot line. [2] All required minimum zone district setbacks shall apply. [3] The maximum building height shall not exceed the maximum building height in the zone district where the building or structure is located.	

- (2) Buildings over three stories in height shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to the single-family residential lot (see Figure 5-12: Building Height Modulation).

Figure 5-12: Building Height Modulation



- 1 Building height “stepped back” from the duplex and single-family dwelling
- 2 Building height does not exceed maximum height in Table 5-19 above

## Section 5.9 Multifamily and Townhouse Form and Design Standards

### 5.9.1. Purpose and Intent

The purpose and intent of these multifamily and townhouse form and design standards are to:

- (A) Establish a minimum level of development quality for multifamily and townhouse development;
- (B) Promote greater compatibility between multifamily and townhouse development and other allowable uses; and
- (C) Provide landowners, developers, business owners, and others with a clear and equitable set of parameters for developing multifamily and townhouse development.

### 5.9.2. Applicability

#### (A) General

Unless exempted in accordance with subsection (B) below, the standards of this Section shall apply to:

- (1) All new multifamily and townhouse development, unless expressly stated otherwise in the specific standards of this Section; and

- (2) Any expansion or alteration of multifamily or townhouse development that existed prior to \_\_\_\_\_ [insert the effective date of this Ordinance], if the expansion increases the buildings' gross floor area by 50 percent or more, or the alteration involves 50 percent or more of the buildings' gross floor area (including interior alterations).

**(B) Exemptions**

The standards in this Section shall not apply to dwellings located above a nonresidential use.

**5.9.3. Timing of Review**

Review for compliance with the standards of this Section shall occur during review of an application for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), or building permit (Sec. 2.5.12), whichever occurs first.

**5.9.4. Multifamily and Townhouse Form and Design Standards**

Development subject to this Section shall comply with the following standards:

**(A) Location of Off-Street Parking**

For all multifamily and townhouse development:

- (1) No more than 50 percent of off-street surface parking may be located between a building and the street it faces unless the parking bays are screened from view from the street by another building. Interior structures within a multi-building development served by a central, private driveway are exempted from this requirement (see Figure 5-13: Parking Location).
- (2) Off-street surface parking located beside a building shall not occupy more than 35 percent of the parcel's street frontage. Associated driving areas shall be included as part of such off-street surface parking.

**Figure 5-13: Parking Location**

*Parking lots may be located in front of a multifamily building when screened from the street by another building*



**(B) Multi-Building Development Orientation and Configuration**

Multifamily and townhouse development with more than two buildings shall be configured so that the primary building entrances are oriented towards external streets, internal streets, or open spaces areas such as courtyards. See Figure 5-14: Multi-Building Development Orientation. Buildings may be oriented towards off-street parking lots only in cases where no other practical orientation exists.

Figure 5-14: Multi-Building Development Orientation

**(C) Maximum Building Length**

The maximum length of any multifamily or townhouse building shall be 150 linear feet, regardless of the number of units.

**(D) Building Façades**

Façades of all buildings that face a street shall incorporate wall offsets, in the form of projections or recesses in the façade plane, spaced no more than 75 feet apart. Wall offsets shall have a minimum depth of two feet.

**(E) Garage Standards**

To the maximum extent practicable, multifamily and townhouse buildings shall locate detached garages or carports to the side, rear, or within the building(s) containing the dwellings. The exterior materials, design features, and roof form of a detached garage or carport shall be the same as the building it serves.

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## Section 5.10 Large Retail Establishment Form and Design Standards

**5.10.1. Purpose and Intent**

The purpose of these large retail establishment form and design standards are to ensure a minimum quality of form and design for “big box” development in the County, in a way that results in greater predictability during the development review process. Additionally, the intent of this Section is to improve the physical appearance of these uses in the County generally.

**5.10.2. Applicability**

These standards shall apply to new single-tenant buildings that have a gross floor area of 50,000 square feet and devote 60 percent or more of the total floor area to retail sales activities.

**5.10.3. Timing of Review**

Review for compliance with the standards of this Section shall occur during review of an application for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), or building permit (Sec. 2.5.12), whichever occurs first.

**5.10.4. Large Retail Establishment Form and Design Standards**

Development subject to the requirements of this Section shall comply with the following standards.

**(A) Building Entrances**

Buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- (1) Canopies or porticos above the entrance;

- (2) Roof overhangs above the entrance;
- (3) Entry recesses or projections;
- (4) Arcades that are physically integrated with the entrance;
- (5) Raised corniced parapets above the entrance;
- (6) Gabled roof forms or arches above the entrance;
- (7) Outdoor patios or plazas adjacent to the entrance;
- (8) Display windows that are directly adjacent to the entrance;
- (9) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above or directly adjacent to the entrance; or
- (10) Integral planters or wing walls that incorporate landscaped areas or seating areas.

**(B) Façades and Massing**

**(1) General**

To reduce their perceived mass and scale, buildings shall incorporate three or more of the following design elements on each façade facing a street (see Figure 5-15: Large Retail Building Entrances and Massing):

- (a) Variations in roof form and parapet heights;
- (b) Pronounced wall offsets that are at least two feet deep;
- (c) Distinct changes in texture and color of wall surfaces;
- (d) Ground level arcades and second floor galleries or balconies;
- (e) Protected and recessed entries; and
- (f) Vertical accents or focal points.

**(2) Side Building Walls**

Side building walls that do not face a street and exceed 30 feet in length shall have façade-articulating elements such as columns and/or changes in plane, texture, or masonry pattern (see Figure 5-15: Large Retail Building Entrances and Massing).

**Figure 5-15: Large Retail Building Entrances and Massing**



**(C) Fenestration/Transparency**

Unless more restrictive requirements are established elsewhere in this Ordinance, at least 20 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

**(D) Off-Street Parking Location Standards**

No more than 50 percent of the total off-street surface parking provided may be located between the front façade of the building and the street it faces.

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## Section 5.11 Sign Standards

### 5.11.1. Purpose

The purpose of the sign regulations in this Section are to:

- (A) Promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign regulations that reduce signage conflicts;
- (B) Promote safety for pedestrians, bicyclists, and motorists through regulations that prohibit distracting signs and limit sign placement;
- (C) Ensure signs are installed and maintained in a safe manner; and
- (D) Increase the aesthetic value and economic viability of the County and property values of land by classifying and regulating the location, size, type, and number of signs and related matters in a fair, impartial, and content-neutral manner.

### 5.11.2. Applicability

#### (A) General

Except as provided in subsection (B) below, all signs are subject to the standards of this Section.

#### (B) Exceptions

The following signs are not subject to the standards of this Section:

- (1) Signs erected by a local, state, or federal government body or agency;
- (2) Signs required by local, state, or federal law; and
- (3) Signs within a structure that are not legible from the ground level of the exterior of the structure.

### 5.11.3. Timing of Review

Review for compliance with the standards of this Section shall occur during review of an application for a planned development district map amendment (Sec. 2.5.3), special exception permit (Sec. 2.5.4), site plan (Sec. 2.5.5), zoning compliance certificate (Sec. 2.5.6), sign permit (Sec. 2.5.7), building permit (Sec. 2.5.12), or subdivision, whichever occurs first.

### 5.11.4. General Standards

- (A) All signs shall be prepared in a professional manner with professional workmanship. All signs shall be constructed and maintained in a safe manner, comply with all applicable codes including the building code, and kept in good repair.
- (B) No sign shall be erected or maintained where, due to its position, wording, illumination, size, shape, or color, the sign may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device, or obstruct the vision of any drivers.
- (C) All outdoor advertising or signs placed adjacent to the Interstate System, National Highway system, Federal-Aid Primary Highway System, and State routes shall coordinate with and, when required, obtain a permit from TDOT.
- (D) No ground sign shall exceed the maximum height standard for the district in which it is located.
- (E) No sign shall project over a sidewalk or public right-of-way.
- (F) Signs may be illuminated in accordance with the standards in Section 5.4, Exterior Lighting Standards, and the following:
  - (1) No sign with 50 feet of property abutting the AF district shall be illuminated unless the lighting is designed to not shine or reflect light on the property in the AF district.
  - (2) The lighting shall be constant in intensity and color and shall not consist of flashing, animated, or changing lights.

### 5.11.5. Prohibited Signs

The following signs are prohibited:

- (A) Signs that appear to be or could be confused with official highway or traffic signs, warning signs, regulatory devices, or other government signs or signals;
- (B) Signs in any public right-of-way except:
  - (1) Signs owned by the County, state, or federal government; and
  - (2) Signs installed by public utilities in their rights-of-way, easements, or on their facilities identifying the use;
- (C) Signs that contain or consist of balloons, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention;
- (D) Signs that have video or scrolling types of display or illumination;
- (E) Signs that consist of lights that revolve or flash;
- (F) Signs, objects, or devices that are animated, oscillating rotating, revolving, moving, sequential, or flashing;
- (G) Signs where the message is changed more frequently than every two hours or four times per 24-hour period;
- (H) Signs that include air-activated or inflated graphics;
- (I) Signs that rotate, revolve, or otherwise move;
- (J) Signs that exhibit statements, words or pictures of an obscene nature, as defined by State and Federal case law;
- (K) Graffiti, as defined by state or federal statute or case law;
- (L) Roof signs;
- (M) Banners;
- (N) Fluttering devices;
- (O) Paper or combustible signs;
- (P) Sandwich signs;
- (Q) Painted tree trunks;
- (R) Signs mounted to or on stationary or non-functional trailers or trucks parked principally for advertising purposes of any type;
- (S) Swinging or projecting signs;
- (T) Temporary signs on poles, rocks, fence posts or trees;
- (U) Reflector signs;
- (V) Signs on liquid tanks; and
- (W) Signs, symbols, or photos which predominantly appeal to prurient interests.

### 5.11.6. Signs Permitted in All Districts

- (A) The signs in Table 5-15: Signs Permitted in All Districts are permitted in all districts without obtaining a sign permit, subject to all the other standards of this Section and Ordinance.

<b>Table 5-15: Signs Permitted in All Districts</b>			
<b>Sign Type</b>	<b>Number per frontage</b>	<b>Sign Area</b>	<b>Other Requirements</b>
On-site directional signs	2	4 sf	
Parking area signs	1	16 sf	
Real estate signs	1	32 sf	Sign may not be illuminated and shall be removed within 10 days after date that property is no longer for sale, lease, or rental
On-site construction sign	1	32 sf	Shall be removed within 10 days after date that construction is no longer active
On-site special event of interest sign	1	32 sf	Shall be removed within one day after special event
Professional and nameplate (including home occupation) sign	n/a	4 sf	The top of the sign may not be higher than 8 feet above grade

- (B)** Other temporary signs not listed in Table 5-15 are permitted without a sign permit, in accordance with the following:
- (1)** The maximum sign area is five square feet.
  - (2)** No temporary sign shall be less than 500 feet from another temporary sign.
  - (3)** Temporary signs shall not be nailed, tied, or otherwise affixed to trees, fence posts, or utility poles.
  - (4)** Temporary signs may not be placed in a County right-of-way.
  - (5)** Temporary signs may not be placed in a state right-of-way unless authorized in writing by TDOT.
  - (6)** Any sign advertising a temporary event shall be removed within 10 days of the event.

**5.11.7. Signs Permitted with a Sign Permit**

The following signs may be erected following issuance of a sign permit in accordance with Sec. 2.5.7, Sign Permit.

**(A) Wall Signs**

Wall signs are permitted in accordance with the following:

- (1)** The principal use of the site must be one of the following:
  - (a)** A use in the Agricultural use classification;
  - (b)** A use in the Civic and Institutional use classification;
  - (c)** A use in the Commercial use classification;
  - (d)** A use in the Industrial use classification; or
  - (e)** In the Residential use classification, a multifamily dwelling use, a mobile home park use, or a use in the Group Living use category.
- (2)** The sign face allowance for a wall sign is two square feet of sign face per linear foot of building façade width.
- (3)** Except as provided in subsection (4) below, one wall sign is permitted on a building.
- (4)** A building may contain more than one wall sign in accordance with the following:
  - (a)** A nonresidential building with multiple tenants may have one wall sign for each tenant. The maximum sign face area for each tenant’s sign shall be based upon each tenant’s amount of building width frontage.
  - (b)** A building with a use in the Industrial use classification may have one wall sign on each building façade. The sign face area allowance for any building façade may be transferred to another building façade.
- (5)** A wall sign shall not extend above the height of the wall on which it is placed.

**(B) Permanent Freestanding and Ground Signs**

- (1) Permanent freestanding signs and ground signs that relate to activities conducted on the site where the sign is located are permitted in accordance with Table 5-16: Permanent Freestanding Sign and Ground Sign Size Allowance.
- (2) A freestanding sign or ground sign may contain multiple sections within the perimeter of the total sign face area, provided that the total of all multiple sign face areas does not exceed the maximum permitted sign face area established in Table 5-16.
- (3) A freestanding sign or ground sign may be located within a required yard, in accordance with the other requirements of this Ordinance.

<b>Table 5-16: Permanent Freestanding Sign and Ground Sign Size Allowance</b>				
<b>Use and Lot Frontage</b>	<b>Maximum Number of Signs</b>	<b>Maximum Sign Face Area of Any One Sign</b>	<b>Maximum Total Sign Face Area of All Signs</b>	<b>Maximum Height</b>
All uses in the Agricultural use classification, any amount of lot frontage	1	36 sf	36 sf	6 ft
Multifamily dwelling, mobile home park, and all uses in the Group Living use category, any amount of lot frontage	1	36 sf	36 sf	12 ft
All uses in the Civic & Institutional use classification, any amount of lot frontage	1	100 sf	100 sf	12 ft
All uses in the Commercial use classification, any amount of lot frontage	1	100 sf	100 sf	12 ft
All uses in the Industrial use classification				
<i>Less than 50 ft of lot frontage</i>	1	100 sf	100 sf	12 ft
<i>At least 50 ft and less than 300 ft of lot frontage</i>	1	200 sf	200 sf	20 ft
<i>At least 300 ft and less than 400 ft of lot frontage</i>	2	384 sf	384 sf	40 ft
<i>At least 400 ft and less than 500 ft of lot frontage</i>	3	480 sf	480 sf	40 ft
<i>500 ft or more of lot frontage</i>	3	480 sf	576 sf	40 ft
<i>ft = feet sf = square feet</i>				

**5.11.8. Off-Premises Signs**

- (A) Billboards are only permitted in the CC, COR, IL, IM, and IH districts, following approval of a special exception permit (Sec. 2.5.4).
- (B) No part of a billboard shall be closer than 200 feet from a lot in an Agricultural and Residential district.
- (C) Off-premises signs, including billboards, shall be erected or placed in conformity with the side, front, and rear yard requirements and any buffer setbacks of the district in which they are permitted to be located and no part of the sign shall extend over any setback, buffer, or property line.
- (D) On a site along a County road, only one off-premises directional sign is permitted. On a site along a state or federal road, only one off-premises directional sign is permitted, unless state or federal regulations, as applicable, are more stringent, in which case the applicable state or federal regulations will apply.

### 5.11.9. Removal

#### (A) General

Signs installed in violation of this Section shall be removed or brought into compliance with the requirements of this Section. The sign owner, the owner of the property on which the sign is placed, and any sign contractor shall each be held responsible for adherence to this Section and any other applicable laws or regulations. This section may be enforced through code enforcement proceedings or by any equitable or legal remedy available to the County.

#### (B) Immediate Removal

If the County finds that a sign is in violation of this Section or other applicable regulations or state law, and by reason of its violation presents an immediate danger or peril to persons or property, the County may, without prior written notice, order the immediate removal of the sign. The property owner, agent, or person having the beneficial interest in the building or premises on which the sign is located are jointly and severally liable to the cost of removing any such sign, and the County shall have the right to recover from all such parties the cost of removal and disposal of the sign.

#### (C) Removal of Signs

The County may order the removal of a sign erected without a required permit, a sign that promotes a business or service that no longer exists, a sign that is unsafe or insecure, or a nonconforming sign that did not exist prior to December 19, 2014, in accordance with the following:

- (1) The County shall give written notice to the property owner, agent, or person having beneficial interest in the building or the sign or the premises on which the sign is located.
- (2) The property owner shall have the sign removed or brought into compliance with the standards of this Section within 30 days after receipt of the written notice.
- (3) If the sign has not been removed or brought into conformance with the standards of this Section within the 30 days, the County may cause the sign to be removed immediately at the expense of the property owner, agent, or person having the beneficial interest in the building or premises on which the sign is located.

#### (D) Disposal

All signs removed in accordance with this Section shall be subject to disposal at the expense of the property owner, agent, or person having the beneficial interest in the building or premises on which the sign is located.

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## Section 5.12 Floodplain District Standards

### 5.12.1. Statutory Authorization, Findings of Fact, and Purpose and Objectives

#### (A) Statutory Authorization

The Legislature of the State of Tennessee has in T.C.A. §§ 13-7-101 through 13-7-115 delegated the responsibility to the County Commission to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

#### (B) Findings of Fact

- (1) The Mayor and County Commission 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 the County 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 Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Section 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 Section 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.

**5.12.2. General Provisions**

**(A) Application**

This section shall apply to all areas within the unincorporated area of the County.

**(B) Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified in the County, as identified by FEMA and in its Flood Insurance Study (FIS) dated April 16, 2007 and Flood Insurance Rate Map (FIRM), Community 470123, Panel Numbers 47119C0005E, 47119C0005E, 47119C0010E, 47119C0015E, 47119C0020E, 47119C0040E, 47119C0045E, 47119C0065E, 47119C0070E, 47119C0090E, 47119C0125E, 47119C0130E, 47119C0135E, 47119C0140E, 47119C0145E, 47119C0155E, 47119C0160E, 47119C0165E, 47119C0170E, 47119C0180E, 47119C0185E, 47119C0190E, 47119C0205E, 47119C0250, 47119C0255E, 47119C0260E, 47119C0265E, 47119C0270E, 47119C0280E, 47119C0285E, 47119C0290E, 47119C0295E, 47119C0310E, 47119C0315E, 47119C0320E, 47119C0380E, 47119C0405E, 47119C0410E, 47119C0410E, 47119C0430E, and 47119C0435E, dated April 16, 2007 and 47119CIND0B, 47119C0215F, 47119C0350F, dated May 4, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

**(C) Requirement for Development Permit**

A development permit shall be required in conformity with this Ordinance 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 Section and other applicable regulations.

**(E) Abrogation and Greater Restrictions**

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section conflicts or overlaps with another regulatory instrument, whichever imposes more stringent restrictions shall prevail.

**(F) Interpretation**

In the interpretation and application of this Section, 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 Section 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 Section 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 Section shall not create liability on the part of the County or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

**(H) Penalties for Violation**

Violation of the provisions of this Section 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 the County from taking such other lawful actions to prevent or remedy any violation.

**5.12.3. Administration**

**(A) Designation of Floodplain District Administrator**

The Director of Building & Zoning is hereby appointed as the Floodplain District Administrator ("Administrator") to implement the provisions of this Section.

**(B) Permit Procedures**

Application for a development permit shall be made to the Administrator on forms furnished by the County 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 Section.
- (b)** Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Section.
- (c)** A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Sec. 5.12.4(A), General Standards, and Sec. 5.12.4(B), Specific Standards.

- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (e) In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:
  - 1. An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
  - 2. Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
  - 3. A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
  - 4. A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.

**(2) Construction Stage**

- (a) Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by, or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.
- (b) Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.
- (c) 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.
- (d) Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

**(3) Finished Construction Stage**

A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

**(C) Duties and Responsibilities of the Administrator**

The 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 Section 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 months to FEMA to ensure accuracy of the County's FIRM 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 Sec. 5.12.3(B), Permit Procedures.
- (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 Sec. 5.12.3(B), Permit Procedures.
- (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 Sec. 5.12.3(B), Permit Procedures.
- (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 Section.
- (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 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 County's FIRM meet the requirements of this Section.
- (11) Maintain all records pertaining to the provisions of this Section in the office of the Administrator, and make such records open for public inspection. Permits issued under the provisions of this Section shall be maintained in a separate file or marked for expedited retrieval within combined files.

#### 5.12.4. Provisions for Flood Hazard Reduction

##### (A) General Standards

In all Areas of Special Flood Hazard, the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure;
- (2) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state of Tennessee and local anchoring requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

- (5) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Section shall meet the requirements of "new construction" as contained in this Section;
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Section 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 Sec. 5.12.4(B), Specific Standards.
- (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; and
- (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 Sec. 5.12.4(A), General Standards, are required:

**(1) Residential Structures**

- (a) 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 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 Sec. 5.12.4(B)(3), Enclosures.
- (b) 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 feet above the highest adjacent grade (as defined in Sec. 5.12.7, Definitions). 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 Sec. 5.12.4(B)(3), Enclosures.

**(2) Non-Residential Structures**

- (a) In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than one 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 Sec. 5.12.4(B)(3), Enclosures.

- (b) In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet above the highest adjacent grade (as defined in Sec. 5.12.7, Definitions). 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 Sec. 5.12.4(B)(3), Enclosures.
- (c) Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Sec. 5.12.3(B), Permit Procedures.

**(3) Enclosures**

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- (a) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect, or meet or exceed the following minimum criteria:
  - 1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - 2. The bottom of all openings shall be no higher than one foot above the finished grade; and
  - 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 Sec. 5.12.4(B), Specific Standards.

**(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 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 feet in height above the highest adjacent grade (as defined in Sec. 5.12.7, Definitions).

- (c) Any manufactured home which has incurred “substantial damage” as the result of a flood must meet the standards of Sec. 5.12.4(A), General Standards, and Sec. 5.12.4(B), Specific Standards.
- (d) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (e) All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - 1. Be on the site for fewer than 180 consecutive days;
  - 2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
  - 3. The recreational vehicle must meet all the requirements for new construction.

**(5) Standards for Subdivisions and Other Proposed New Development Proposals**

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- (a) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- (c) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, must include within such proposals Base Flood Elevation data (see Sec. 5.12.4(E), Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)).

**(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 Sec. 5.12.2(B), Basis for Establishing the Areas of Special Flood , 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 will 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 shall provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for Maury 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 Sec. 5.12.4(A), General Standards, and Sec. 5.12.4(B), Specific Standards.

**(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 Sec. 5.12.2(B), Basis for Establishing the Areas of Special Flood , 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 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 Sec. 5.12.4(A), General Standards, and Sec. 5.12.4(B), Specific Standards.

**(E) Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)**

In areas located within the Special Flood Hazard Areas established in Sec. 5.12.2(B), Basis for Establishing the Areas of Special Flood , where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions 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 subsection (2) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Sec. 5.12.4(A), General Standards, and Sec. 5.12.4(B), Specific Standards.
- (2) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
- (3) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet above the highest adjacent grade (as defined Sec. 5.12.7, Definitions). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Sec. 5.12.3(B), Permit Procedures. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Sec. 5.12.4(B), Specific Standards.
- (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 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 foot at any point within the County. 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 Sec. 5.12.4(A), General Standards, and Sec. 5.12.4(B), Specific Standards. Within approximate A Zones, require compliance with those subsections of Sec. 5.12.4(B), Specific Standards of Provisions for Flood Hazard Reduction dealing with the alteration or relocation of a watercourse, thus assuring watercourse carrying capacities are maintained and manufactured homes provisions.

**(F) Standards For Areas of Shallow Flooding (AO and AH Zones)**

Located within the Special Flood Hazard Areas established in Sec. 5.12.2(B), Basis for Establishing the Areas of Special Flood, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply, in addition to those set forth in Sec. 5.12.4(A), General Standards, and Sec. 5.12.4(B), Specific Standards:

- (1) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot above as many feet as the depth number specified on the FIRM, 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 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 Sec. 5.12.4(B), Specific Standards.
- (2) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities shall be floodproofed and designed watertight to be completely floodproofed to at least one 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 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 Section and shall provide such certification to the Administrator as set forth above and as required in accordance with Sec. 5.12.3(B), Permit Procedures.
- (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 Sec. 5.12.2(B), Basis for Establishing the Areas of Special Flood, 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 Sec. 5.12.3, Administration, and Sec. 5.12.4, Provisions for Flood Hazard Reduction, shall apply.

**(H) Standards for Unmapped Streams**

Located within the County 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 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 foot at any point within the County.
- (2) When a new flood hazard risk zone, Base Flood Elevation, and floodway data is available, new construction and substantial improvements shall meet the standards in Sec. 5.12.3, Administration, and Sec. 5.12.4, Provisions for Flood Hazard Reduction,

### 5.12.5. Variance Procedures

#### (A) Board of Zoning Appeals

##### (1) Authority

The Board of Zoning Appeals (BZA) shall hear and decide appeals and requests for variances from the requirements of this Section.

##### (2) Procedure

Meetings of the BZA shall be held at such times as the Board shall determine. All meetings of the BZA shall be open to the public. The BZA 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 BZA shall be set by the County Commission.

##### (3) Appeals

An appeal to the BZA shall be filed in accordance with Sec. 2.5.15, Appeal of Administrative Decision,

##### (4) Powers

In addition to the powers established in Sec. 2.3.3, Board of Zoning Appeals (BZA), the BZA shall have the following additional 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 Section.

###### (b) Variance Procedures

In the case of a request for a variance from the standards of this Section, the following shall apply:

1. The BZA shall hear and decide appeals and requests for variances from the requirements of this Section.
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 Section to preserve the historic character and design of the structure.
3. In passing upon such applications, the BZA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Section, and:
  - i. The danger that materials may be swept onto other property to the injury of others;
  - ii. The danger to life and property due to flooding or erosion;
  - iii. The susceptibility of the proposed facility and its contents to flood damage;
  - iv. The importance of the services provided by the proposed facility to the community;
  - v. The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
  - vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - vii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - viii. The safety of access to the property in times of flood for ordinary and emergency vehicles;

- ix. 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; and
  - x. 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 Section, the BZA may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Section.
  - 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 Sec. 5.12.5(B), Conditions for Variances.
- (2) Variances shall only be issued upon:
  - (a) A showing of good and sufficient cause,
  - (b) A determination that failure to grant the variance would result in exceptional hardship; or
  - (c) 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.
- (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.

**5.12.6. Legal Status Provisions**

**(A) Conflict with Other Ordinances**

In case of conflict between this Section or any part thereof, and the whole or part of any existing or future County ordinance or resolution, the most restrictive shall in all cases apply, in accordance with Section 1.6, Relationship with Other County Laws.

**(B) Severability**

If any section, clause, provision, or portion of this Section 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 Section which is not of itself invalid or unconstitutional.

**(C) Effective Date**

This Section is effective for all development as of February 21, 2016.

**5.12.7. Definitions**

Unless specifically defined below, words or phrases used in this Section shall be interpreted in accordance with Section 8.5, Definitions, or, if not included in Section 8.5, Definitions, to give them the meaning they have in common usage and to give this Section its most reasonable application given its stated purpose and objectives.

***100-year Flood***

See “Base Flood.”

**Accessory Structure**

A subordinate structure to the principal structure on the same lot and, for the purpose of this Section, shall conform to the following:

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

**Addition (to an existing building)**

Any walled and roofed expansion to the perimeter or height of a building.

**Appeal**

A request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

**Area of Shallow Flooding**

A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood-related Erosion Hazard**

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**

The flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one-percent annual chance flood.

**Basement**

Any portion of a building having its floor subgrade (below ground level) on all sides.

**Building**

See "Structure."

**Development**

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**

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***

The program as implemented on an emergency basis in accordance with Section 1336 of the National Flood Insurance Act, 42 U.S.C. § 4056. 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***

The process of the gradual wearing away of land masses. This peril is not *per se* covered under the NFIP.

***Exception***

A waiver from the provisions of this Section which relieves the applicant from the requirements of a rule, regulation, order, or other determination made or issued pursuant to this Section.

***Existing Construction***

Any structure for which the start of construction commenced before February 21, 2016.

***Existing Manufactured Home Park or Subdivision***

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 February 21, 2016.

***Existing Structures***

See “Existing Construction.”

***Expansion to an Existing Manufactured Home Park or Subdivision***

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).

***FEMA***

The Federal Emergency Management Agency.

***Flood or Flooding***

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

***Flood Elevation Determination***

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***

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)***

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)***

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***

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***

Any land area susceptible to being inundated by water from any source (see definition of flooding).

***Floodplain Management***

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***

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 constructed in conformance with sound engineering standards.

***Floodproofing***

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***

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, 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***

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***

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***

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

***Freeboard***

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***

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes 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**

The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**Historic Structure**

Any structure that is:

- 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;
- 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;
- 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
- Individually listed on the County's inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either by the approved Tennessee program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior.

**Levee**

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**

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**

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 Section.

**Manufactured Home**

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**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map**

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

**Mean Sea Level**

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 Section, 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)***

As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

***New Construction***

Any structure for which the start of construction commenced on or after the effective date of this Ordinance and includes any subsequent improvements to such structure.

***New Manufactured Home Park or Subdivision***

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 February 21, 2016, and includes any subsequent improvements to such structure.

***North American Vertical Datum (NAVD)***

As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

***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***

An area where 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***

A vehicle which is:

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

***Regulatory Floodway***

See "Floodway."

***Riverine***

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

***Special Flood Hazard Area***

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

***Special Hazard Area***

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 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 date 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, 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 Section, 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***

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

***Substantial Improvement***

Any reconstruction, rehabilitation, addition, alteration, or other improvement of a structure in which the cost equals or exceeds 50 percent 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***

Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

***Variance***

For purposes of this Section, a grant of relief from the requirements of this Section.

***Violation***

The failure of a structure or other development to be fully compliant with this Section. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Section is presumed to be in violation until such time as that documentation is provided.

***Water Surface Elevation***

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.

## Section 5.13 Environmental Standards

### 5.13.1. Stormwater Management and Detention

Stormwater management, detention, and drainage design shall comply with the standards in the County's Subdivision Regulations.

### 5.13.2. Additional Setbacks from Stormwater and Water Bodies and Features

#### (A) Minimum Setbacks from Water Bodies and Features

Except as provided in subsection (B) below, all development shall comply with the following minimum requirements.

- (1) Unless a reduction is authorized by the Planning Commission in accordance with subsection (4) below, all buildings and structures shall be set back from a water body or water features such as a pond, lake, stream sinkhole, impoundment, or similar features in accordance with Table 5-17: Water Body or Feature Setbacks, based on the zone district in which the building is located.
- (2) In the second column of Table 5-17:
  - (a) The first number indicates the required setback from all water bodies and features, except for the Duck River or other waterways listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act; and
  - (b) The second number indicates the required setback from the Duck River or any other impaired waterway.

<b>Table 5-17: Water Body or Feature Setbacks</b>	
Zone District	Minimum Setback (ft)
AP, RR, RG, RN	20   50
CRC, CN, CC, COR	50   200
IL, IM	100   500
IH	200 [1]
<b>NOTES:</b>	
[1] All buildings, structures, open storage, internal roadways, parking, and any other feature in which hazardous or solid waste is present shall be set back at least 500 feet. Other structures and associated parking where there will be no presence of hazardous or solid waste shall be set back at least 200 feet.	

- (3) For purposes of this section, except for required setbacks from the Duck River, the required setback shall be measured from the top of the bank of the water body or the outermost edge of the water feature.
- (4) In making a decision on a major site plan in accordance with Sec. 2.5.5, Site Plan (Minor or Major), the Planning Commission may authorize a reduction in the setbacks established in this section if the applicant submits supporting engineering, geotechnical, and biological studies that demonstrate the slope, vegetation, restoration, enhancement and other measures are present or can be implemented and will provide the same or better riparian buffer protections of the affected waterways, except as follows:
  - (a) The required setbacks in the CRC, CN, CC, and COR districts may not be less than 100 feet.
  - (b) The required setbacks in the IL, IM, and IH districts may not be less than 500 feet, except that the setbacks may not be less than 1,000 feet for any use:
    1. Involving or including sanitary landfills, construction and demolition landfills, landfills for the disposal of solid waste, landfills for the disposal of medical waste, or any landfills for the disposal of hazardous waste, as defined by Tenn. Comp. R. & Regs. 0400-12-01-.02 (as amended);
    2. Associated with or accessory to any sanitary landfill, construction and demolition landfill, solid waste landfill, medical waste landfill, hazardous waste landfill, or

any use the purpose of which is the processing, storing or handling any sanitary, solid, construction and demolition, medical or hazardous waste and all of the associated buildings, structures, storage (above and below ground), internal roadways, parking and any other feature of any of these uses where the sanitary, solid, construction and demolition, medical or hazardous waste is present.

**(B) Additional Setbacks May Be Required**

- (1) State or federal requirements or permits may require setbacks or buffers that exceed the requirements in subsection (A) above.
- (2) The Director or Planning Commission may require additional biological, engineering, and geotechnical engineering studies to address site specific and project specific conditions. The Director or Planning Commission may apply larger setbacks or buffers as defined by a study.
- (3) The following shall be set back at least two miles from the Duck River:
  - (a) Any use involving or including sanitary landfills, construction and demolition landfills, landfills for the disposal of solid waste, landfills for the disposal of medical waste, or any landfills for the disposal of hazardous waste, as defined by Tenn. Comp. R. & Regs. 0400-12-01-.02 (as amended);
  - (b) Any use associated with or accessory to any sanitary landfill, construction and demolition landfill, solid waste landfill, medical waste landfill, hazardous waste landfill, or any use the purpose of which is the processing, storing or handling any sanitary, solid, construction and demolition, medical or hazardous waste and all of the associated buildings, structures, storage (above and below ground), internal roadways, parking and any other feature of any of these uses where the sanitary, solid, construction and demolition, medical or hazardous waste is present.

**5.13.3. Lowest Floor Elevation (LFE) Determinations Outside Floodplain District**

- (A) In addition to the requirements in Section 5.12, Floodplain District Standards, there are other conditions where the determination of a Lowest Floor Elevation (LFE) may be required. The Director or Planning Commission shall have the discretion to require an LFE determination based on their interpretation of the site context, topography, site layout and project specific conditions. The applicant may be required to furnish surveying and engineering drawings and documents. An LFE is not finalized until approved by the Director or the Planning Commission.
- (B) In addition to areas within a FEMA-studied or FEMA-mapped floodplain the additional conditions where the Director or Planning Commission may require determination of LFEs include, but are not limited to the following:
  - (1) Areas outside of a FEMA-studied or FEMA-mapped floodplain as determined necessary by the Director or the Planning Commission.
  - (2) Areas in the vicinity of floodplains that have been determined by engineering flood studies as provided with a project submittal or as required by the Planning Commission. These studies shall be accepted by the Planning Commission.
  - (3) Other flood-prone areas as determined necessary by the Director or the Planning Commission. Examples include, but are not limited to, backwater areas, areas upstream of culverts and impoundments.
- (C) **LFE Plot Plans and Elevation Certificates**

If an LFE is required, a Plot Plan and an Elevation Certificate are required to be provided. The Plot Plan is to be prepared by an engineer licensed in the state and submitted with the application for a building permit. The Elevation Certificate is to be prepared by a surveyor licensed in the state. The Elevation Certificate shall be submitted at points during the initial phases of the building construction as required by the Director. The Director may stop or postpone site and building construction activities until these items are completed to the satisfaction of the Director. The Elevation Certificate typically will be on a FEMA Elevation Certificate form, but the Director has the discretion to determine the format and information required to be provided in the Elevation Certificate.



# Article 6: Nonconformities

## Commentary on Draft:

**Article 6: Nonconformities**, consolidates all provisions addressing nonconformities (uses, structures, lots, and signs). Most current provisions related to nonconformities were carried forward and refined or had language updated for clarity; in several instances, new provisions were added, and a new section is added addressing nonconformities that are the result of government eminent domain actions or private land donations for public benefit. The article is divided into the following sections.

**Section 6.1, General Applicability**, which sets forth the purpose of the article and includes regulations governing determination of nonconforming status, minor repair and maintenance, unsafe or unlawful structures, and changes in land ownership.

**Section 6.2, Nonconforming Uses**, which provides rules for nonconforming uses that address extension, expansion, relocation, discontinuance of use, and the relationship to nonconforming structures.

**Section 6.3, Nonconforming Structures**, which provides rules for nonconforming structures that address the relationship to nonconforming uses, the enlargement, alteration, or relation of nonconforming structures, and reconstruction or repair after casualty damage.

**Section 6.4, Nonconforming Lots**, which provides rules for nonconforming lots.

**Section 6.5, Nonconforming Signs**, which provides rules governing nonconforming signs.

**Section 6.6, Nonconformities Created by Eminent Domain or Voluntary Donation of Land for a Public Purpose**, which provides regulations that address regulations that ease the burden on nonconformities created by eminent domain or voluntary donation of private lands for public benefit.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 6.1 General Applicability

### 6.1.1. Purpose and Scope

- (A) In the County, there exists uses, structures, lots of record, and signs that were lawfully established before this Ordinance was adopted or amended that do not conform to the standards or requirements of this Ordinance. It is the general policy of the County to allow such uses, structures, lots of record, and signs to continue to exist. It is also the policy of the County to bring as many nonconformities into conformance with this Ordinance as is reasonably practicable, subject to the requirements of this article.
- (B) The purpose and intent of this article is to recognize the interests of the landowner in continuing to use the land, but to preclude the establishment of a new nonconforming use, structure, lot of record, or sign in the same zone district, the enlargement or expansion of a nonconformity, or the reestablishment of a discontinued or substantially destroyed nonconformity unless allowing such expansion or reestablishment can serve as an incentive to achievement of even greater public benefit.

### 6.1.2. Authority to Continue

Nonconformities are allowed to continue and are encouraged to receive routine maintenance in accordance with the requirements of this article as a means of preserving safety and appearance.

### 6.1.3. Determination of Nonconformity Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the nonconformity is located.

### 6.1.4. Minor Repairs and Maintenance

#### (A) Minor Repairs and Maintenance of Nonconforming Uses, Lots of Records, and Signs

Any minor repairs and normal maintenance that are required to keep nonconforming uses, lots of record, and signs in a safe condition are permitted.

#### (B) Minor Repairs and Maintenance of Nonconforming Structures

Any minor repairs and normal maintenance that are required to keep in a safe condition a nonconforming structure, or the portion of a structure containing a nonconforming use, are permitted provided that the area of the nonconforming structure or portion of the structure containing a nonconforming use is not enlarged.

### 6.1.5. Unsafe or Unlawful Structures

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in accordance with the standards of this Ordinance.

### 6.1.6. Changes in Tenancy or Ownership

No change of title or possession or right to possession of land involved shall be construed to prevent the continuance of such nonconformity.

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## Section 6.2 Nonconforming Uses

### 6.2.1. General

Nonconforming uses are declared generally incompatible with the permitted uses in the zone district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.

### 6.2.2. Extension, Expansion, or Relocation

- (A) Except as provided in Section 6.2.3 below nonconforming use shall not be extended, enlarged, or moved to occupy a different area of a structure or lot, except an existing nonconforming use may be extended throughout any parts of a structure which were clearly designed or arranged for such use when the use became nonconforming.
- (B) The repair, alteration, or extension of a building occupied by a nonconforming use that is more extensive than a minor repair, alteration, or extension is prohibited (see Sec. 6.1.4, Minor Repairs and Maintenance).

### 6.2.3. Nonconforming Industrial or Commercial Uses

- (A) Subject to the limitations in subsection (B) below, nonconforming uses in the Commercial or Industrial use classifications shall be allowed to:
  - (1) Continue in the same use.
  - (2) Expand operations and construct additional facilities that involve an actual continuation and expansion of the activities constituting the use, provided there is a reasonable amount of space available for the expansion of the use so as to avoid nuisances to adjoining landowners.
  - (3) Destroy present facilities and reconstruct new facilities necessary to the conduct of the use, provided there is a reasonable amount of space available for the expansion of the use so as to avoid nuisances to adjoining landowners.

- (B) The activities permitted by subsection (A) above shall apply only to land owned and in use by the owner of the nonconforming use, and do not permit the expansion of an existing nonconforming use in the Commercial or Industrial use classifications through the acquisition of additional land.

#### 6.2.4. Discontinuance or Abandonment of Nonconforming Use

(A) **General**

If a nonconforming use is discontinued or abandoned for 30 months, the use shall not be reestablished and shall only be replaced with a conforming use.

(B) **Nonconforming Structure**

Any reconstruction or repair of a damaged structure used for a nonconforming use shall be subject to the same provisions applicable to nonconforming structures in Section 6.3, Nonconforming Structures.

(C) **Conditional Use**

Any use which was formerly a permitted use in a zone district but that, upon amendment of this Ordinance, becomes a special exception use shall not be considered a nonconforming use even though it has not received approval of a Special Exception Permit. No such use shall be expanded without a Special Exception Permit in accordance with Sec. 2.5.4, Special Exception Permit

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## Section 6.3 Nonconforming Structures

### 6.3.1. General

Nonconforming structures shall be subject to the standards in this Section.

### 6.3.2. Relationship with Conforming and Nonconforming Uses

Where a nonconforming principal structure contains a conforming use, only the nonconforming structure is subject to the standards and limitations in this Section. Where a nonconforming structure contains a nonconforming use, the nonconforming structure is subject to the standards and limitations in this Section and the nonconforming use is subject to the standards and limitations in Section 6.2, Nonconforming Uses.

### 6.3.3. Enlargement or Alteration

A nonconforming structure shall not be enlarged or structurally altered in any way that increases the nonconformity, but any nonconforming structure or portion may be altered to decrease its nonconformity.

*Example: A structure has a side yard setback of five feet where the Ordinance requires a minimum side yard setback of ten feet. The structure cannot be enlarged so as to further encroach into the side yard setback. Enlargement or structural alteration of the structure in a way that complies with applicable dimensional standards, or structural alteration of the structure in a way that decreases the degree of nonconformity, is permitted.*

### 6.3.4. Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located unless the entire structure conforms to the requirements of this Ordinance.

### 6.3.5. Reconstruction or Repair after Casualty Damage

The reconstruction or repair of a nonconforming structure damaged as a result of fire, flood, wind, or other Act of God shall be subject to the following provisions.

(A) **Damage Up to 50 Percent of Assessed Value**

If a nonconforming structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would be 50 percent or less of its assessed value before the damage, the structure may be reconstructed or repaired upon application to the Director if:

- (1) The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity;
- (2) The reconstruction or repair begins within 30 months of the date of such damage; and
- (3) The repair is diligently pursued to completion.

**(B) Damage Greater Than 50 Percent of Assessed Value**

If a nonconforming structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would exceed 50 percent of its assessed value before the damage, the structure shall not be reconstructed or repaired except in accordance with the standards of this Ordinance.

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## Section 6.4 Nonconforming Lots

### 6.4.1. Increase of Lot Area of Nonconforming Lot

A landowner may increase the lot area of a nonconforming lot, even if it is still less than the minimum lot area requirement for the zone district. The Director shall approve such an increase in lot area as an Administrative Plat without a decision by the BZA in accordance with Section 6.4.1, Administrative Plat, of the Subdivision Regulations.

### 6.4.2. General

No development shall be established on a nonconforming lot except in accordance with the standards in this Section.

### 6.4.3. Combination of Lots to Eliminate Nonconformity

If a vacant nonconforming lot abuts another lot (whether conforming or nonconforming) held in the same ownership, the lots shall be combined or recombined to create one or more conforming lots, or lot(s) that are less nonconforming.

### 6.4.4. Structures on Nonconforming Lots

- (A) Nonconforming structures legally established on a nonconforming lot may be continued, enlarged, or redeveloped only in accordance with the standards in Section 6.3, Nonconforming Structures
- (B) In any residential zone district in which there is a nonconforming lot, a dwelling unit may be built as long as it is a use permitted by right in the district, it complies with all dimensional standards in the zone district except for lot area and lot width requirements in the applicable zone district, and it is determined that adequate access to the site is provided.
- (C) Notwithstanding limitations imposed by other provisions of this Ordinance, any one use permitted by right in a nonresidential zone district may be developed on a nonconforming lot if the development complies with all dimensional standards in the zone district except lot area and lot width, to the maximum extent practicable, and adequate access to the site is provided.

### 6.4.5. Exceptions

- (A) Lots or subdivisions platted and recorded in the Maury County Register of Deeds' Office prior to April 25, 1986, shall not be required to meet the setbacks required of this Ordinance if the lot(s) of record have recorded deed restrictions specifying minimum setback requirements. However, if any preexisting lots of record subject to this provision do not have one or more setback requirements defined, they shall conform to the setback requirements of this Ordinance.
- (B) When additions and/or alterations are made to residential structures built in Maury County prior to April 25, 1986, whose preexisting, nonconforming setbacks are lesser than those setbacks of this Ordinance, the preexisting, nonconforming setbacks will be honored for said additions and/or alterations so long as the setbacks are not intensified (the setback distances of the preexisting, nonconforming structure).

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## Section 6.5 Nonconforming Signs

### 6.5.1. General

Nonconforming signs shall be subject to the following standards.

### 6.5.2. Enlargement or Alteration

A nonconforming sign shall not be enlarged, extended, or structurally altered so as to create a nonconformity or increase the extent of an existing nonconformity.

### 6.5.3. Modifications

Except for minor repairs and maintenance, a nonconforming sign that is moved, replaced, or structurally altered shall be brought into conformance with this article.

### 6.5.4. Reconstruction or Repair after Damage

The reconstruction or repair of a damaged nonconforming sign shall be subject to the following standards:

#### (A) Damage Up to 60 Percent of Value

- (1) If a nonconforming sign is damaged by any means to an extent whereby the cost of restoring the sign to its before-damaged condition would no more than 60 percent of its replacement value before the damage, the sign may be reconstructed or repaired and continued to be used as a nonconforming sign if:
  - (a) The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity; and
  - (b) The reconstruction or repair is begun within 90 days after the damage and is diligently pursued thereafter.
- (2) If reconstruction or repair is not begun within 90 days after the damage and diligently pursued thereafter, the sign shall be deemed abandoned and shall be removed in accordance with Sec. 5.11.9, Removal.

#### (B) Damage Greater Than 60 Percent of Value

If a nonconforming sign is damaged by any means to an extent whereby the cost of restoring the sign to its before-damaged condition would exceed 60 percent of its replacement value before the damage, the sign shall not be reconstructed or repaired except in conformity with the provisions of this Ordinance, and the nonconforming sign shall be removed within 30 days of the date the sign was damaged in accordance with Sec. 5.11.9, Removal.

#### (C) Replacement Value

For purposes of this Sec. 6.5.4, the replacement value shall mean the cost to construct a replacement sign at the time of filing the application for a permit to reconstruct or repair the nonconforming sign

### 6.5.5. Other Conditions Requiring Compliance with this Ordinance

Any non-conforming sign shall also be brought into compliance with this Ordinance if any of the following conditions occur:

- (A) The sign is replaced at the sign owner's discretion.
- (B) Any structural or other substantial maintenance or improvements to a non-conforming sign is deemed as the loss of the non-conforming status (This shall also render any prior permit void and shall result in the reclassification of the sign to an Illegal Sign).
- (C) Abandonment of a non-conforming sign, which shall terminate the right to maintain the non-conforming sign, at which time the sign owner shall be required to remove the non-conforming sign. A nonconforming sign shall be considered abandoned if it has displayed no message, or no activity, business product, or service has been produced, conducted, sold, or performed for a period of one year on the premises where the sign is located.
- (D) The use of the business or property changes.

- (E) A sign becomes unsafe or insecure or is deemed to be an immediate danger or peril to persons or property.

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## **Section 6.6 Nonconformities Created by Eminent Domain or Voluntary Donation of Land for a Public Purpose**

### **6.6.1. General**

If a conforming lot is made nonconforming due to governmental acquisition of a portion of the lot for a public purpose that results in the lot no longer complying with applicable lot area or other dimensional standards, or due to the voluntary donation of land for a public purpose, the lot shall be deemed a conforming lot and a building permit may be issued for a permitted use if the Director determines that the proposed construction is designed and configured in a way that is compatible with surrounding development and complies with the standards this Ordinance to the maximum extent practicable, including but not limited to:

- (A) The off-street parking standards in Section 5.2, Off-Street Parking and Loading Standards; and
- (B) The landscaping standards in Section 5.3, Landscaping Standards.

# Article 7: Enforcement

## Commentary on Draft:

Article 7: Enforcement, establishes procedures and standards to enforce the provisions of the Zoning Ordinance, and obtain corrections for violations. It also sets forth the remedies and penalties that apply to the violation of the Ordinance.

**Section 7.1, Purpose**, sets forth the purpose of this article.

**Section 7.2, Compliance Required**, establishes that compliance with all provisions of this Ordinance is required.

**Section 7.3, Violations**, describes which actions constitute violations of this Ordinance.

**Section 7.4, Responsible Persons**, establishes who may be held responsible for violations of the Ordinance.

**Section 7.5, Enforcement Generally**, identifies who is responsible for enforcing the Ordinance, and authorizes them to take action.

**Section 7.6, Revocations**, states under what conditions and by whom development approvals, permits, certificates, and other authorizations under this Ordinance can be revoked, and by whom.

**Section 7.7, Remedies and Penalties**, identifies the different remedies that may be imposed against violators of the Ordinance.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 7.1 Purpose

### 7.1.1. General

This article establishes procedures to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

### 7.1.2. Right to Development Subject to Approval

A development approval, permit, certificate, or other form of authorization approved in accordance with this Ordinance only authorizes the use, arrangement, location, design, density or intensity, and development set forth in the approval.

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## Section 7.2 Compliance Required

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the unincorporated County.

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## Section 7.3 Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this article and by state law:

**7.3.1. Failure to Acquire Required Development Approvals, Permits, Certificates, and Authorizations In Accordance With this Ordinance**

To engage in any development, use, construction, remodeling or other activity of any nature upon land and improvements subject to the jurisdiction of the County without all of the required development approvals, permits, certificates, or other forms of authorization as may be required in this Ordinance, or other applicable laws, to conduct or engage in such activity.

**7.3.2. Engage in Development or Other Activity Not Allowed by Development Approval, Permit, Certificate, or Other Authorization**

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with a development approval, permit, certificate, or other form of authorization granted by this Ordinance.

**7.3.3. Violate a Condition of Approval or Qualification Placed on Development Approval, Permit, Certificate, or Other Authorization**

To violate, by act or omission, any term, condition of approval or qualification placed by the County upon a required development approval, permit, certificate, or other form of authorization, to allow the use, development or other activity upon land or improvements.

**7.3.4. Develop or Use Buildings, Structures, or Land in Violation of this Ordinance or Other Applicable Regulations**

To develop or use any building or structure or to use any land in violation or contravention of this Ordinance or other applicable regulations and laws.

**7.3.5. Violate Any Other Term, Condition, Standard of this Ordinance or Other Applicable Law**

To violate any other term, condition, standard, or requirement of this Ordinance or any other applicable law.

**7.3.6. To Continue Any Violations on a Daily Basis**

To continue any of the above-stated violations on a daily basis, since each day of a violation shall be considered a separate offense.

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**Section 7.4 Responsible Persons**

The owner, tenant, or occupant of any land or structure, or an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance or other applicable laws may be held responsible for the violation and shall be subject to the remedies and penalties set forth in this article.

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**Section 7.5 Enforcement Generally**

**7.5.1. Responsibility for Enforcement**

The Director shall be responsible for enforcing the provisions of this Ordinance in accordance with the Tennessee Code Annotated.

**7.5.2. Complaints Regarding Violations**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint with the Director. The complaint, stating fully the cause and basis, shall be filed with the Director. Such complaint shall be properly recorded, investigated, and appropriate action taken by the Director as provided by this Ordinance.

**7.5.3. Inspections**

On presenting proper credentials, the Director shall have the power to enter upon land or inspect any building or structure to ensure compliance with the provisions of this Ordinance. Inspections shall be

carried out during normal business hours unless the Director determines there is an emergency necessitating inspections at another time.

#### **7.5.4. Enforcement Procedure**

The Director may institute enforcement proceedings as deemed appropriate and as authorized in accordance with this Ordinance or applicable state law.

#### **7.5.5. Recordation of Notice of Violation**

The Director may record a Notice of Violation in the office of the Maury County Register of Deeds relating to the property on which the violation has occurred. Said Notice of Violation shall remain on the record until the violation is abated or cured. Once the violation is abated or cured and the property is no longer in violation, the Director shall file a release of the Notice of Violation in the office of the Maury County Register of Deeds.

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### **Section 7.6 Revocation**

#### **7.6.1. Development Approval, Permit, Certificate, or Other Authorization Issued in Conflict with this Ordinance is Null and Void**

Any development approval, permit, certificate, or other authorization issued in conflict with the provisions of this Ordinance shall be null and void.

#### **7.6.2. Director Authorized to Revoke**

The Director may institute revocation proceedings as deemed appropriate and as authorized by this Ordinance and applicable state law.

#### **7.6.3. Standards for Revocation**

The Director shall revoke any development approval, permit, certificate, or other authorization, if it is determined to be not in compliance with this Ordinance and other applicable laws, or with any applicable conditions of approval.

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### **Section 7.7 Remedies And Penalties**

#### **7.7.1. General Remedies and Penalties**

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, may be fined not less than ten dollars nor more than fifty dollars for each offense in accordance with T.C.A. § 13-7-111. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **7.7.2. Civil Equitable Enforcement**

In addition to the general remedies and penalties available in accordance with Sec.7.7.1 above, civil enforcement proceedings may be initiated to ensure compliance with this Ordinance. This includes but is not limited to:

**(A) Issuance of Stop Work Order**

The County may issue and serve upon a person pursuing an activity or activities in violation of this Ordinance a stop order that requires that the person stop all activities in violation of the Ordinance.

**(B) Denial or Withholding of Related Authorization**

The County may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land, structure, or improvements is corrected and any associated civil penalty is paid.

**(C) Injunction**

When a violation occurs, the County may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

**(D) Order of Abatement**

In addition to an injunction, the County may apply for and the court may enter an order of abatement as part of the judgment in the case.

**(E) Equitable Remedy**

The County may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law, or this Ordinance shall not be used by a violator as a defense to the County's application for equitable relief.

**7.7.3. Remedies Are Cumulative**

**(A)** The remedies and penalties provided for violations of this Ordinance, whether civil, equitable, or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

**(B)** Each day of continued violation of this Ordinance shall be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

# Article 8: Definitions and Rules for Construction, Interpretation, and Measurement

## Commentary on Draft:

**Article 8: Definitions and Rules for Construction, Interpretation, and Measurement**, provides background material that is relevant to interpreting the entire Zoning Ordinance.

**Section 8.1, Rules of Construction**, includes the rules governing the construction of language in the Zoning Ordinance.

**Section 8.2, General Rules for Interpretation**, includes the rules governing interpretation of the text and zone district boundaries in the Zoning Ordinance.

**Section 8.3, Rules of Measurement**, includes the rules of measurement in the Zoning Ordinance.

**Section 8.4, Principal Use Classification**, provides the definitions of the use classifications and the use categories used in Table 4-1: Principal Use Table.

**Section 8.5, Definitions**, provides all other applicable definitions. Additional definitions will be included as future modules of the Ordinance are drafted.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 8.1 Rules of Construction

### 8.1.1. Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

### 8.1.2. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (A) “And” indicates that all connected items, conditions, provisions, or events apply.
- (B) “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

### 8.1.3. Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

### 8.1.4. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the day subsequent that is not a Saturday, Sunday, or holiday observed by the County. References to days are calendar days unless otherwise stated.

#### **8.1.5. Person**

An individual, firm, association, partnership, corporation, club, or any other group or combination acting as a legal entity.

#### **8.1.6. Used or Occupied**

When used in reference to land, the terms “used” or “occupied” shall be interpreted to mean “intended, arranged, or designed to be used or occupied.”

#### **8.1.7. Term Not Defined**

If a term used in this Ordinance is not defined in this Article 8 or elsewhere in this Ordinance, the Director shall have the authority to provide a definition based on the definitions used in accepted sources including, but not limited to, the Tennessee Code Annotated, resources published by the American Planning Association including *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions*, as well as general dictionaries, including but not limited to, *Merriam-Webster*, *American Heritage*, *Webster's New World*, and *New Oxford American* dictionaries.

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## **Section 8.2 General Rules for Interpretation**

### **8.2.1. Meanings and Intent**

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this Article, the specific section's meaning and application of the term shall control.

### **8.2.2. Headings, Illustrations, and Text**

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are generally provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

### **8.2.3. Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### **8.2.4. References to Other Regulations/Publications**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

### **8.2.5. Delegation of Authority**

Any act authorized by this Ordinance to be carried out by a specific official of the County may be carried out by a designee of such official at the direction of the official.

### **8.2.6. Technical and Nontechnical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### **8.2.7. Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the Maury County, Tennessee, unless otherwise indicated.

### **8.2.8. Zone District Boundaries**

When determining the location of zone district boundaries as shown on the Official Zone District Map, the following general rules of interpretation shall be used:

- (A) District boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public access ways shall be construed to follow those centerlines.
- (B) District boundaries indicated as approximately following lot lines shall be construed as following those lot lines. If a subsequent minor adjustment (such as from a court ordered settlement of a boundary dispute or overlap) results in a lot line moving ten feet or less, the district boundary shall be interpreted as moving with the lot line.
- (C) District boundaries indicated as approximately following County limits shall be construed as following County limits.
- (D) District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (E) District boundaries indicated as following centerlines of rivers, streams, or other watercourses shall be construed to follow those centerlines.
- (F) District boundaries indicated as approximately parallel to or extensions of features identified in subsections (A) through (E) above shall be construed to be parallel to or extensions of such features.
- (G) If the specific location of a depicted boundary cannot be determined from notations on the Official Zone District Map or in accordance with subsections (A) through (F) above, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.
- (H) Where the actual locations of existing physical or natural features vary from those shown on the Official Zone District Map, or in other circumstances not covered by this Section, the Director shall have the authority to interpret the district boundaries in accordance with this Section.

### 8.2.9. Interpretation of Unlisted Uses

#### (A) Procedure for Interpreting Unlisted Uses

The Director may interpret as allowable in a particular zone district a particular principal use or accessory use or structure not expressly listed in the use tables in Article 4: Use Regulations, as either a permitted or special exception use, based on the standards in this Section and in accordance with the procedures in Sec. 2.5.17, Interpretation.

#### (B) Criteria for Allowing Unlisted Principal Uses

The Director shall interpret an unlisted principal use as a permitted or special exception use only after finding that the nature, function, and duration of the use and the impact of allowing it in the zone district are so similar to those of a use type or use category that is expressly allowed in the zone district that the unlisted use should be deemed allowed in the same manner (as a permitted or special exception use) as the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Director shall evaluate the relevant characteristics of the unlisted use to the characteristics, function, and physical impacts of the use categories established in Article 4: Use Regulations, the purpose and intent statements in this Ordinance concerning the zone district (see Article 3: Zone Districts), and the character and features of use types allowable in the zone district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

- (1) Actual or projected characteristics of each activity likely to occur as part of the unlisted use;
- (2) The type, size, orientation, and nature of buildings and structures devoted to each activity;
- (3) The number and intensity of employees and customers per unit area of a site in relation to business hours and employment shifts;
- (4) Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;

- (5) Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;
- (6) Relative amounts of sales or revenue from each activity;
- (7) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside, or outside the principal building, and the predominant types of items stored;
- (8) Customer type for each activity;
- (9) How the use is advertised, including signage;
- (10) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- (11) Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (12) The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the zone district.

**(C) Standards for Allowing Unlisted Accessory Uses and Structures**

The Director shall interpret an unlisted use or structure as an allowable accessory use or structure to a principal use allowed in a particular zone district (either because the use is expressly listed in Table 4-1: Principal Use Table or allowed in accordance with this Section if the Director determines that:

- (1) The use or structure is accessory to the principal use, in accordance with the definitions of “accessory use” and “accessory structure,” and the example accessory uses listed in the definition of the principal use or the description of the relevant use category in Sec.4.2.2, Classification of Principal Uses.
- (2) The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the zone district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;
- (3) The use or structure is compatible with the character of principal and accessory uses allowable in the zone district; and
- (4) Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zone district (see Article 3: Zone Districts).

**(D) Effect of Allowing Unlisted Uses as Permitted, Conditional, or Accessory Use**

On interpreting an unlisted use as allowed in a zone district, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Director may initiate an application for a text amendment to this Ordinance in accordance with Sec. 2.5.1, Zoning Ordinance Text Amendment, to list the use or structure in Article 4: Use Regulations, as a permitted or special exception use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Director shall be binding and shall be maintained in the record of interpretations required by Sec. 2.5.17, Interpretation,

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## Section 8.3 Rules of Measurement

### 8.3.1. Lots and Yards

**(A) 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 a principal building along with any accessory structures or uses and other areas required in this Ordinance such as driveways, parking areas, and yards.

**(B) Lot Types**

**(1) Corner Lot**

A lot on which at least two adjoining sides abut their full lengths on adjoining streets, and where the adjoining angle is less than 135 degrees.

**(2) Flag Lot**

A lot on which the main building site area is set back from the street on which it fronts and that is connected to the frontage street by a narrow access strip.

**(3) Interior Lot**

A lot other than a corner lot.

**(4) Lot of Record**

A lot which is part of a subdivision recorded with the Maury County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded with the Maury County Register of Deeds.

**(C) Lot Line**

The boundary that marks the boundary of a lot. Specific lot lines include:

**(1) Front Lot Line**

On any lot other than corner lot, the lot line connecting the two side lot lines along the edge of the lot abutting the right-of-way of the adjoining street. On a corner lot, any lot line along the edge of the lot abutting the right-of-way of an adjoining street.

**(2) Rear Lot Line**

**(a)** On any lot other than a corner lot or an irregular lot, the lot line connecting the two side lot lines along the edge of the lot opposite from the front lot line.

**(b)** On a corner lot, the lot line connecting the side lot line and the front lot line, along the edge of the lot opposite from the front lot line abutting the street that provides the lot's street address.

**(c)** On an irregular lot, the lot line or collection of lot lines that are most opposite the front lot line.

**(3) Side Lot Line**

Any lot line other than the front or rear lot lines.

**(D) Setback**

The minimum allowable distance between the lot line and a building on a lot, within which no building or other structure shall be placed except as provided in this Ordinance.

**(1) Front Setback**

The setback between the street right-of-way and the front of a building on a lot. The front setback extends the full width of the lot and is parallel to or concentric with the street right-of-way.

**(2) Rear Setback**

The setback between the rear lot line and a building on a lot. The rear setback extends the full width of the lot.

**(3) Side Setback**

The setback between the side lot line and a building on a lot. The side setback extends from the front setback to the rear setback.

**(E) Yard**

An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky, measured from the setback to the lot line, except as otherwise provided in this Ordinance.

**(1) Front Yard**

The yard extending across the entire width of the lot from the front lot line to the front setback.

**(2) Rear Yard**

The yard extending across the entire width of the lot from the rear lot line to the rear setback.

**(3) Side Yard**

The yard extending between the front yard and the rear yard from the side lot line to the side setback.

**8.3.2. Lot-Related Measurements****(A) Building Area of Lot**

The portion of a lot bounded by the required front, side, and rear yards.

**(B) Density**

The number of dwelling units permitted per area of land, typically measured in dwelling units per acre.

**(C) Lot Area**

The size of a lot measured within lot lines.

**(D) Lot Coverage**

The portion of a lot that is covered by buildings and structures, including the area covered by overhanging roofs.

**(E) Lot Depth**

The average distance from the front lot line to the rear lot line, measured in the general direction of the sides of the lot.

**(F) Lot Width**

The width of a lot measured at the front setback. For a lot on a cul-de-sac, the lot width shall be measured following the curve of the front property line.

**8.3.3. Structure-Related Measurements****(A) Building Story****(1) General**

A story (or full story) is:

- (a)** The space between the upper surface of any floor and the upper surface of the next floor above; or
- (b)** Any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with seven feet or more head clearance equals 50 percent or more of the floor area of the next story below.

**(2) Half Story**

The portion of the building between the topmost floor and the roof, in which the floor area with eight feet or more of clearance equals 50 percent or more of the floor area of the next story below, shall be a "half story" if it is not used as a dwelling unit.

**(3) Basement**

A basement is a story if more than half of its height is above the average ground level from which the "height of a building" is measured, or if the basement is used for commercial purposes.

**(B) Floor Area**

The total of the horizontal area of each floor of a building or structure, measured from the exterior walls or the center lines of party walls. This term does not include arcades, porticos, 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.

**(C) Height, Building or Structures**

**(1) Building or Structure Height in Stories**

The number of complete stories or feet above the finished grade for any building or at-grade or above-grade parking structure, but excluding

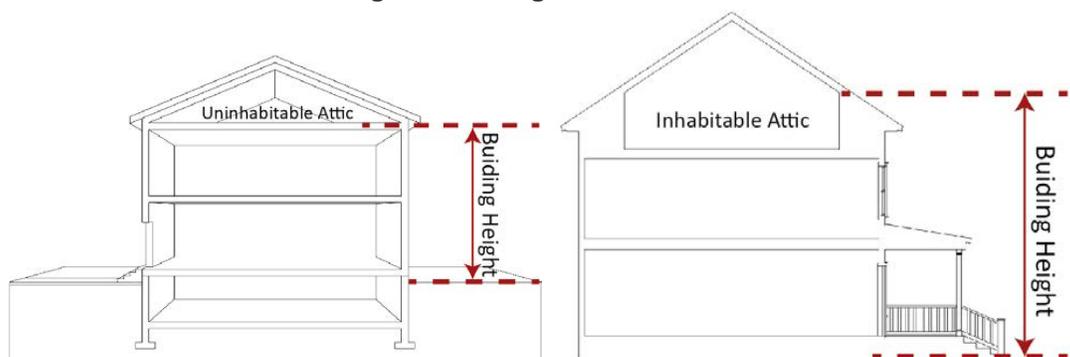
- (a) Habitable attics, half-stories, and mezzanines (which shall be measured as half stories); and
- (b) Spaces completely below grade, such as basements, cellars, crawl spaces, sub-basements, and below-grade parking structures.

**(2) Building or Structure Height in Feet**

The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the following (see Figure 8-1: Height Measurement):

- (a) If the building does not contain an attic, to highest point of the building or structure; or
- (b) If the building contains an attic, to the floor of the attic if the attic is not habitable, or if the attic is habitable, to the midpoint of the attic.

**Figure 8-1: Height Measurement**



**(D) Height, Tower**

The distance measured from ground surface elevation to the highest point on the tower and appurtenances, including an antenna.

**8.3.4. Sign-Related Measurement**

**(A) Sign Height**

The height of a ground-mounted sign is the distance from the base of the sign at the average adjacent grade to the top of the highest part of the sign.

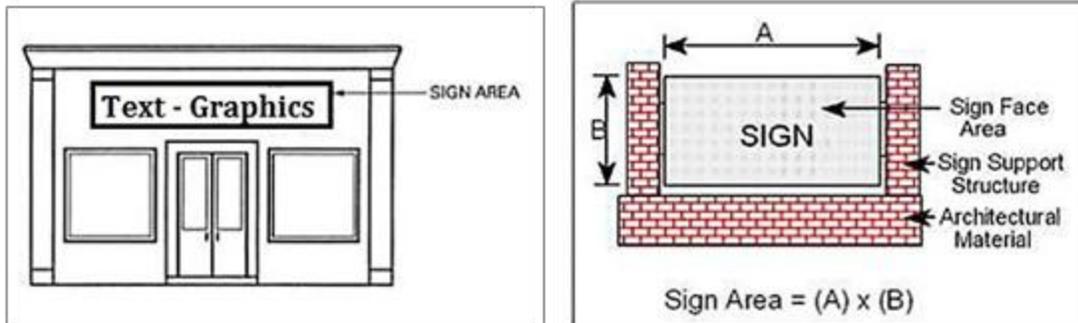
**(B) Sign Face Area**

The sign face area is the area of the sign that contains the message or image conveyed by a sign, and is calculated in accordance with the following:

- (1) The entire surface area of the sign on which text or graphics could be placed is considered the sign face area (see Figure 8-2: Sign Copy Area Measurement).
- (2) The supporting structure or bracing of a sign shall not be counted as a part of sign face area unless the structure or bracing is a part of the sign's message (see Figure 8-2.)
- (3) Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas that

can be viewed simultaneously on one face shall be considered the sign face area. Signs with three or more sides are not permitted.

Figure 8-2: Sign Copy Area Measurement



## Section 8.4 Principal Use Classification and Definitions

### 8.4.1. Agricultural Uses Classification

Uses in this use classification include the production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to people. This includes but is not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; emus and ostriches; livestock, including beef cattle, sheep, swine, horses, ponies, mules, llamas, alpacas, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

#### (A) Agricultural Cultivation

The Agricultural Cultivation use category includes use types that involve the raising of agricultural products for consumption or commercial sale. Products may include, but are not limited to, vegetables, grains, fruits, plants, sod, trees, and other similar products. Use types include agricultural operations, family subdivision, forestry, nursery, and tree farm uses.

#### (B) Agriculture Support and Services, Directly Related

The Agriculture Support and Services, Directly Related use category includes use types that provide support and services to agricultural, horticultural, and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going horticultural or animal husbandry uses. Use types include agri-education or agri-tourism, auction barn and livestock storage, equestrian facility, farm winery, and roadside agriculture sales.

#### (C) Agriculture Support and Services, Not Directly Related

The Agriculture Support and Services, Not Directly Related use category includes use types that provide support and services to off-site agricultural, horticultural, and animal husbandry activities and that are not directly related to on-going agricultural, horticultural, or animal husbandry uses on the same property. Use types include agricultural distribution hub and agricultural processing.

#### (D) Animal Agriculture

The Animal Agriculture use category includes use types that are related to the commercial breeding, raising, and keeping of fish, livestock, and any type of fowl, for sale or use of the animal, animal products or byproducts, or the processing of those products or byproducts. Use types include commercial feed lot.

### 8.4.2. Residential Uses Classification

#### (A) Household Living

The Household Living category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include single-family detached dwellings, townhouse dwellings, two-family dwellings (duplexes), mobile home dwellings, multifamily dwellings, and mobile home parks. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., retirement facility), which are included in the Group Living category. Accessory uses common to Household Living uses include recreational activities, raising of domestic pets, gardens, swimming pools, and parking of occupants' and guests' vehicles. Some accessory uses, such as accessory dwelling units and home occupations, are subject to additional regulations (see Section 4.3, Accessory Uses and Structures).

#### (B) Group Living

The Group Living use category includes use types providing for the residential occupancy of a group of living units by persons who may or may not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (though some do have such facilities), but unlike a hotel or motel, are generally occupied on a monthly or longer basis. Use types include assisted care facility, group home, retirement community, retirement facility, and rooming house. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotels or motels), which are categorized in the Lodging Uses category. It also does not include use types where residents or inpatients are routinely provided with more than modest health care services (e.g., nursing home), which are categorized in the Health Care Uses category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

### 8.4.3. Civic and Institutional Uses Classification

#### (A) Community and Cultural Facilities

The Community and Cultural Facilities use category includes use types of a public, nonprofit, or charitable nature providing a local service directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. The uses may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Use types include child care center, community center, conference center, correctional facility, cultural institution, event venue, government facility, library, place of assembly, public safety facility, religious facility, and zoo. This use category does not include uses with a residential component or counseling in an office setting (categorized in the Office Use category). Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and recreation and athletic facilities.

#### (B) Educational Facilities

The Educational Facilities use category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, or high school level that provide State-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at all education uses may include offices, play areas, recreational and sport facilities, cafeterias, theaters, auditoriums, and before- or after-school day care. Accessory uses may additionally include dormitories, food service, laboratories, health care facilities, meeting areas, athletic facilities and fields, maintenance facilities, bookstores, and other supporting uses typically associated with an educational institution.

**(C) Funeral Services**

The Funeral and Mortuary Services use category includes establishments that provide services related to the death of a human being or an animal. Use types include crematory and funeral home.

**(D) Health Care Services**

The Health Care Services use category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, rehabilitation services, and physical therapy, as well as mental health treatment. Health care services may be provided on an inpatient or outpatient basis, or routinely to residents of the facility. Use types include hospital, medical or dental office or clinic, nursing home, and rehabilitation center. This use category does not include group homes, which focus primarily on providing personal care rather than medical care to residents, or assisted living facilities. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, memory care facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

**(E) Parks and Open Areas**

The Parks and Open Areas use category includes use types focusing on open space areas largely devoted to natural or curated landscaping and outdoor recreation and tending to have few or no structures. Use types include cemeteries, community gardens, country clubs, and public parks. This use category does not include golf driving ranges or other primarily outdoor recreation uses. Accessory uses may include caretaker's quarters, clubhouses, recreational structures, statuary, fountains, maintenance facilities, concessions, and parking.

**(F) Transportation and Utility Facilities**

The Transportation and Utility Facilities use category includes use types providing for facilities to accommodate transportation needs and local infrastructure relating to electrical, cable TV, water, sewer, and gas service, and other basic service needs. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities. Use types include airports, landing strips, and heliport, private; airports, landing strips, and heliport, public, communication towers and equipment; decentralized waterwater treatment and disposal systems; parking facilities; large solar energy facilities; major utilities; minor utilities; and large wind energy facilities.

**8.4.4. Commercial Uses Classification****(A) Adult Business**

The Adult Business use category includes any establishment that regularly exploits an interest in matters relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons. There is one use that incorporates the state law definition of an adult-oriented establishment, which incorporates multiple types of adult businesses.

**(B) Animal Care Uses**

The Animal Care Uses use category is characterized by use types related to the provision of medical services, general care, and boarding services for household pets and domestic animals. Use types include animal grooming, small animal kennel, large animal kennel, and veterinary hospital.

**(C) Food and Beverage Services**

The Food and Beverage Services category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include bars or taverns, drive-in restaurants, and sit-down restaurants. Accessory uses may include areas for outdoor seating, drive-through service facilities, facilities for live entertainment, and valet parking services.

**(D) Lodging**

The Lodging use category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent, lease, or interval occupancy. Use types include bed and breakfast homestays, campgrounds, hotels or motels, and travel trailer parks. This use category does not include rooming houses, which are generally occupied for tenancies of a month or longer and are categorized in the Group Living use category. Accessory uses may include pools and other recreational facilities, restaurants, limited storage, laundry facilities, gift shops, retail sales establishments, meeting facilities, and offices.

**(E) Office**

The Office use category includes office buildings that house activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., accountants, attorneys, engineers, architects, planners), financial services (e.g., lenders, brokerage houses, tax preparers), or small-scale video or audio production services that are entirely conducted indoors (e.g. video editing, podcast recording and production). Use types include contractor's yard, data center, general office, and research and development uses. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as medical or dental offices or clinics (categorized in the Health Care Services use category) or banks or other financial institutions (categorized in the Retail Sales and Services use category), although mental health services such as counseling are included in this category. Accessory uses may include cafeterias, lunch rooms, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the offices.

**(F) Recreation and Entertainment**

The Recreation and Entertainment use category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include amphitheatres; athletic facilities; indoor recreation facilities, outdoor recreation facilities, stables, and theaters. This use category does not include recreational facilities that are accessory to parks (categorized in the Parks and Open Areas use category), or that are reserved for use by a residential development's residents and guests (e.g., accessory community swimming pools and other recreation facilities). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

**(G) Retail Sales and Services**

The Retail Sales and Services use category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Use types include agricultural equipment sales, rental, and service, bank and financial institutions, convenience stores, massage therapy establishments, personal repair establishments, personal service establishments, and retail sales establishments (small, medium, and large). This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle-Related Uses use category), establishments primarily selling supplies to contractors or retailers (categorized in the Wholesale Sales use category), the provision of financial, professional, or business services in an office setting (categorized in the Office use category), uses providing recreational or entertainment opportunities (categorized in the Recreation and Entertainment use category), or adult uses (categorized in the Adult Business category). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, Automatic Teller Machines (ATM), and outdoor displays of merchandise.

**(H) Vehicle-Related Uses**

The Vehicle-Related Uses use category includes use types involving the direct sales and servicing of motor vehicles, including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers whether for personal transport, commerce, or recreation. Use types include car washes, fleet fuel depots, gas stations, light vehicle repair, light vehicle rental, light vehicle sales, and travel trailer rental. Accessory uses may include offices, sales of parts, maintenance facilities, and vehicle storage.

### 8.4.5. Industrial Uses Classification

#### (A) Extraction

The Extraction use category is characterized by activities related to the extraction of naturally occurring materials, such as sand and gravel. Accessory uses may include washing and grading plants, offices, storage areas, and vehicle washing facilities.

#### (B) Manufacturing and Processing

The Manufacturing and Processing use category includes use types involved in the manufacturing, processing, production, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally sold on the wholesale market, transferred to other plants, or made to order for firms or consumers. This use category includes breweries, distilleries, artisanal manufacturing, heavy manufacturing, light manufacturing, slaughterhouses, small-scale meat processing facilities, and wineries, based on the general extent of off-site impacts and the extent of outdoor storage. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may include wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

#### (C) Freight and Warehousing

The Freight and Warehousing use category includes use types involving the storage or movement of goods and their delivery to other firms or the final consumer. There is minimal on-site sales activity with the customer present. Use types include cold storage plants, junk or salvage yards, self-service storage, truck terminals, and warehouses. This use category does not include use types categorized in the Waste-Related Uses use category. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

#### (D) Waste-Related Uses

The Waste-Related use category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. This use category also includes use types that receive hazardous wastes from others. Use types include construction, demolition and debris landfill, private; construction, demolition and debris landfill, public; recycling facility, private; recycling facility, public; sanitary landfill, private; sanitary landfill, public; transfer station, private; transfer station, public; waste composting facility; waste processing or recycling recovery facility, private; and waste processing or recycling recovery facility, public. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products

#### (E) Wholesale Sales

The Wholesale Sales use category includes use types involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, greenhouses (for plant nurseries), and repackaging of goods.

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## Section 8.5 Definitions

The following definitions apply to terms used in this Ordinance. Definitions of use classifications and categories are located in Section 8.4, Principal Use Classification and Definitions.

### A

#### ***Accessory dwelling unit***

A dwelling unit that is accessory, supplementary, and secondary to a single family detached dwelling, located on the same parcel, and internal to or attached to the principal dwelling or in a detached structure.

#### ***Accessory structure***

A building or other structure whose use is incidental to that of the main building, which is located on the same parcel of property, and which is customarily used in connection with the main building or other structure. Accessory structures are subordinate in size to the principal (main) building.

#### ***Accessory use***

A use customarily incidental, appropriate, and subordinate to and located on the same lot as a principal use of land or buildings.

#### ***Adult-oriented establishment***

Has the meaning in TCA § 7-51-1102(6).

#### ***Aggregate Caliper Inches (ACI)***

The combined total number of inches of existing and proposed trees used to meet a landscape requirement within a required landscape area

#### ***Agriculture or agricultural***

The definition of "agriculture" or "agricultural" set forth below shall apply to the term wherever it appears in this Ordinance, unless a different definition is specifically made applicable to the Article, Section, or Subsection in which the term appears.

- The land, buildings, and machinery used in the commercial production of farm products and/or nursery stock;
- The activity carried on in connection with the commercial production of farm products and/or nursery stock;
- Recreational and educational activities on land used for the commercial production of farm products and/or nursery stock; and
- Entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and/or nursery stock, when such activities occur on land used for the commercial production of farm products and/or nursery stock.

#### ***Agricultural distribution hub***

A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers. This definition does not include industrial uses.

#### ***Agricultural equipment sales, rental, and service***

An establishment engaged in the sales, rental, or repair of farm equipment, large and small animal equipment and materials, and related infrastructure or vehicles used for agricultural, horticultural, or animal husbandry operations, but not of non-farm equipment or materials.

#### ***Agricultural operation***

The commercial production of farm products and nursery stock and related activity, including entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and nursery stock, as well as the processing of farm products and nursery stock, when such

activities occur on land used for the commercial production of farm products and nursery stock, and which is not included in a specific use type in the Agricultural Uses classification.

***Agricultural processing***

The processing of farm products and nursery stock grown or raised at a different location than the processing establishment including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting, and grading, but not including the stockyard or slaughterhouse use.

***Agricultural produce stand***

The temporary sale of goods on the same site as that farm at which they are produced. Also known as a farm stand, examples of this use include roadside stands and farmer’s markets.

***Agricultural products sales***

A structure used or intended to be used by the owner or tenants of a farm for the sale of seasonal farm products produced on the farm on which the structure is located.

***Agri-education or agri-tourism***

An establishment that provides facilities for the investigation, testing, or demonstration of products and processes related to agriculture, horticulture, or animal husbandry, including veterinary, soil, plant, and animal sciences, or that provides activities such as corn mazes, self-directed fruit picking (also known as “u-pick” operations), petting zoos, hay rides, demonstration farms, and garden tours, for the purpose of entertaining or educating visitors to the site.

***Airport, Landing Strip, or Heliport***

A landing area, runway, or other facility designed, used, or intended to be used for the landing or taking off of aircraft and helicopters, including all necessary taxiways, aircraft storage and tie-down areas, hangars, maintenance facilities, and other necessary buildings and open spaces. There are two types of airports:

***Airport, Landing Strip, or Heliport, Private***

An airport that is available for use by the property owner and not for commercial activities.

***Airport, Landing Strip, or Heliport, Public***

An airport that is available for use by commercial activities and open to the general flying public.

***Alley***

A minor right-of-way that provides vehicular access to the back or side of properties otherwise abutting a street, and which may be used for utility and service purposes.

***Amphitheater***

An outdoor, open-air area or structure suitable for musical or theatrical performances, performing arts, or sporting events with tiers of seats, benches, or berms.

***Animal grooming***

An establishment, other than a kennel or veterinary hospital, for the cleaning and grooming of dogs, cats, birds, and other small domestic animals.

***Animal kennel***

An establishment where dogs or cats are boarded for compensation, or where dogs or cats are bred or raised for purposes of sale, animal rescue, or not-for-profit. There are two types of animal kennels:

***Animal kennel, small***

An animal kennel with between eight and 20 dogs or cats kept on site at any one time.

***Animal kennel, large***

An animal kennel with capacity to keep more than 20 dogs or cats on site at any one time.

**Antenna**

Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves. This use does not include the communications tower and equipment principal use, or the satellite dish accessory use.

**Appeal of Administrative Decision**

See Sec. 2.5.15, Appeal of Administrative Decision.

**Assessed Value**

The total value of a parcel, as determined by the Maury County property appraiser, and shown on the most recent property tax bill sent to the owner of record by the County.

**Assisted living facility**

A state-licensed facility that provides or offers to provide any combination of residence, health supervision, personal care, social activities, and other supportive services to individuals who need assistance with activities of daily living such as bathing, dressing, ambulation, feeding, toileting, grooming, medication assistance, diet, cleaning, and personal safety.

**Athletic facility**

A privately owned indoor and/or outdoor facilities devoted to organized sports, including but not limited to, soccer, basketball, gymnastics, and tennis. Does not include facilities accessory to educational uses such as school gymnasiums.

**Auction barn and livestock storage**

A facility to which cattle producers bring cattle to be sold via auction, which may include an enclosure designed or used for holding livestock prior to sale or transfer.

**Auction yard**

An open-air area or structure for the sale via auction of heavy machinery (including farm machinery) and vehicles.

**Automated teller machine (ATM)**

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions.

**Auxiliary Disposal Site**

Land or parcels that may be used for effluent disposal and may have other uses. Higher levels of treatment are required for auxiliary disposal sites. These sites shall provide opportunities for beneficial reuse of the treated effluent.

**B**

**Back-up Wastewater Disposal Site**

The back-up land or parcels used to provide a redundant wastewater disposal site, in the event the primary wastewater disposal site no longer provides proper or adequate wastewater disposal.

**Bank and financial institution [new]**

An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, including check-cashing facilities. Drive-through service may be allowed if permitted as an accessory use in the zone district where the establishment is located. Accessory uses include ATMs.

**Bar or tavern**

An establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. Accessory uses may include the sale of food products such as sandwiches and light snacks.

**Basement**

A floor of a building that is partly or wholly underground.

**Bed and breakfast homestay**

A private home, inn, or other small-scale residential facility offering bed and breakfast accommodations and one daily meal, where guests stay for fewer than 14 consecutive days and the innkeeper resides on the premises or property or immediately adjacent to it. This use shall include no more than three guest rooms, which shall be established and maintained distinct and separate from the innkeeper's quarters.

**Billboard**

Any permanently installed, freestanding off-site sign or sign structure over 200 square feet in size. A billboard identifies/advertises and/or directs the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured, and/or furnished at a place other than the real property on which said sign is located.



**Board of Zoning Appeals (BZA)**

The Board of Zoning Appeals of Maury County, Tennessee, in accordance with state statute and Sec. 2.3.3 of this Ordinance.

**Brewery**

An establishment where malt liquors, regardless of alcohol content by volume, are produced in accordance with the production and licensing requirements of the Tennessee Code Annotated.

**Building**

A structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes, and similar structures.

**Building Permit**

An official document issued by the County which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure in accordance with the standards of this Ordinance. Land disturbance activities also require a Building Permit. See Sec. 2.5.12, Building Permit.

**C**

**Caliper**

The diameter of a tree six inches above ground level.

**Campground [new]**

An outdoor facility designed for temporary overnight accommodation of human beings in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses may include small-scale office, retail, and other commercial uses commonly established in such facilities.

**Canopy**

A roof-like structure with no walls that is attached or not attached to an adjacent structure. A canopy is not a marquee.

**Canopy tree**

See "Tree, canopy."

**Car wash**

An establishment for the primary purpose of washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water,

equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

***Caretaker dwelling***

An accessory dwelling unit located on the premises of a nonresidential principal use for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use.

***Carport or garage***

An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of the occupants in the building to which such garage or carport is accessory. A carport is open on at least two sides, while a garage is enclosed and contains vehicular access doors. A carport or garage is considered an accessory structure if it is detached from the principal building(s) on the site.

***Cemetery***

A place used for the permanent internment of deceased human bodies or pet animal bodies. Accessory uses may include columbaria and mausoleums. A cemetery may be on its own lot or may be accessory to another institutional use such as a religious facility.

***Certificate of Occupancy***

A uniform mechanism for ensuring no land or building or other structures or part of a building or other structures that have been erected, moved, or altered in its use shall be used until it is certified to be compliant with the standards of this Ordinance, other related international development codes adopted by the County, and state law.

***Child care center***

A facility that receives or is designed to receive, for care during the absence of a parent or guardian, more than 13 children under 18 years of age, for less than a 24-hour period, as defined and regulated by T.C.A. §§ 71-3-501 *et seq.*

***Child care home***

A place or facility on a lot with a residential dwelling that provides care for compensation for up to 12 children under 18 years of age who are not related to the primary caregiver, for less than a 24-hour period, in accordance with the regulations in T.C.A. §§ 71-3-501. Additional children related to the primary caregiver are allowed on the premises in accordance with state law.

***Christmas tree sales***

A temporary retail sales operation, generally conducted wholly outside, that offers for sale Christmas trees and related holiday items, such as wreaths and tree stands.

***Cluster-style mailboxes***

A centralized grouping of individually locked and keyed mailboxes meeting the specifications of the United States Postal Service.

***Cold storage plant***

A facility primarily engaged in the cold processing and storage of chilled or frozen food products.

***College***

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, and that is accredited by a national association of colleges and universities.

***Commercial feed lot***

A site to which livestock, poultry, pigs, or small animals are transported, and where 250 or more of such animals are kept and fed for the principal purpose of slaughter and sale on the commercial food market, and in which the kept animals do not graze or otherwise seek feed on the land.

***Communication tower and equipment***

A building mounted or ground mounted tower which supports communication equipment for telephone, radio, television, microwave, cellular and similar communications purposes, both for transmission and reception. This use includes radio and television towers, cellular telephone towers, and camouflaged or stealth communication towers, as well as the tower structure and all supports and related facilities and equipment such as cabling, equipment huts, and other associated structures. This use does not include amateur radio operators' equipment, licensed by Federal Communications Commission (FCC), or receiving and transmission facilities used for the County's emergency services.

***Community center***

A facility used for recreational, social, educational, and cultural activities. This includes private nonprofit recreational and social facilities, recreational buildings and facilities, banquet facilities used for hosting special occasion events, and community centers operated by public agencies, and may be private or open to the general public.

***Community garden***

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by group members.

***Completely enclosed building***

A structure with at least four walls that is totally enclosed when all doors are closed.

***Conference center***

A facility principally used to host community, educational, business, and professional conferences, seminars, training programs, exhibitions, presentations, and similar events and which may include indoor halls and seating areas, food preparation and dining areas, reception centers, and meeting areas. Lodging intended for temporary use only during the operation of an event at this use may also be included. This use does not include religious institutions, theaters, or amphitheatres.

***Congregate assisted living center***

A facility that is part of a retirement community that provides a residential living environment, including congregate meals, housekeeping, and personal services for retirement-age persons and spouses, who have temporary or periodic difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility, or memory care issues, but do not require services generally offered in a long-term care facility or nursing facility. The facility may include dining room, bathing area, common area, office, and other spaces necessary to provide the above services.

***Congregate independent living center***

A facility that is part of a retirement community that provides shelter and services that may include meals, housekeeping, personal care assistance and minor medical services, but not intermediate, long term, or extended nursing care for residents.

***Construction-related building***

A temporary structure on the site of a development project that contains offices or is used for storage by the contractor who is working on the construction project.

***Construction and demolition landfill***

A place or facility that accepts wastes resulting from construction, remodeling, repair and demolition of structures and from road building. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock and lumber, road spoils, rebar, paving material

***Contractor's yard***

A building and related outdoor areas used to store and maintain construction equipment and materials, including but not limited to plumbing, electrical, carpentry, roofing, landscaping, road work, and facilities

customarily required in the building trade by a construction contractor. This use typically includes office facilities for the contractor.

***Convenience store [new]***

A retail establishment offering for sale food products and beverages for off-site consumption, household items, periodicals, and other general merchandise, and with gross floor area less than 5,000 square feet and typically around 2,500 square feet. This use often is combined with a gas station use.

***Country club***

A chartered, nonprofit membership club with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, swimming, dining facilities, incidental retail sales such as a pro shop, and a locker room.

***County Attorney***

The attorney representing Maury County.

***County Commission***

The County Commission of Maury County, Tennessee, in accordance with state statute and Sec. 2.3.1 of this Ordinance.

***Correctional facility***

A facility for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of civil or criminal law.

***Crematory***

A facility containing furnaces for the reduction of dead bodies (human or animal) to ashes by fire.

***Cul-de-sac***

A street that at one end intersects another street and at the other end terminates in a vehicular turnaround.

***Cultural institution [new]***

An establishment such as a museum, art gallery, botanical garden, or other such facility that displays or preserves objects of interest in one or more of the arts or sciences.

**D**

***Data center***

A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features. A data center typically has few on-site employees.

***Decentralized wastewater disposal site***

The primary land or parcel used for the land disposal of effluent. The wastewater disposal site or sites shall be restricted to use only for effluent disposal.

***Decentralized wastewater treatment and disposal system***

A use designed to collect and treat raw wastewater, and store treated wastewater from nonresidential or residential uses and to utilize land to dispose of the treated effluent. The system includes all components, such as treatment mechanisms and methodologies, collection lines, tanks, pump stations, storage ponds and disposal systems. These systems do not include the single residential or non-residential lots utilizing individual, single on-site wastewater treatment and disposal systems for the treatment and disposal of wastewater, such as septic systems, for which a State Operating Permit from TDEC is not required.

***Decentralized wastewater treatment system***

A system used to collect, treat, and store wastewater. The system includes all components such as collector lines, septic tanks, pump stations, treatment unit(s), and storage ponds.

***Development***

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, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition.

***Diameter at breast height (DBH)***

The measurement of the diameter of a tree trunk taken at a height of four-and-one-half feet above the ground.

***Director of Building and Zoning (“Director”)***

The zoning and codes officer chosen by the Mayor and ratified by the Maury County Commission, in accordance with Sec. 2.3.4 of this Ordinance.

***Distillery***

An establishment where distilled liquors or spirits are produced in accordance with the production and licensing requirements of the Tennessee Code Annotated.

***Drive-through facility***

A facility used to provide goods or services through a special window or station for customers who order from their vehicles and leave after receiving the service. The facility can be located in the principal building or in a separate structure. Use types that commonly use drive-through facilities include restaurants, banks (including ATMs), pharmacies, and car washes.

***Driveway***

A paved or unpaved area used for the ingress or egress of vehicles that allows access from a public or private street to a parking lot or building.

***Dwelling, single-family detached***

A residential building located on a single lot that sits on a permanent foundation, is not attached to any other principal structure, and contains a single living unit, not including a mobile home dwelling.

***Dwelling, townhouse***

A building consisting of at least three dwelling units, with no other dwelling, or portion of other dwelling, directly above or below, connected to the adjacent dwelling units by a single common party wall with no opening, and where each unit has a separate entrance and direct ground level access to the outdoors. Individual units may be owner-occupied or leased, and individual units may be owned in fee simple or as part of a condominium. These uses are not multifamily dwellings.

***Dwelling, two-family (duplex)***

A residential building located on one or two lots that contains two dwelling units and that is not attached to any other principal structure.

***Dwelling, mobile home***

A transportable, factory-manufactured dwelling built on a permanent chassis, transportable in one or more sections, designed for use as a dwelling with or without permanent foundation, intended to be and is occupied by one family or housekeeping unit, and includes the plumbing, heating, air conditioning, and electric systems in the structure. This use type does not include camping trailers, motor homes, recreational vehicles, travel trailers, truck campers, or other similar wheeled structures typically used as temporary living quarters.

***Dwelling, multifamily***

A residential building containing three or more dwelling units with varying arrangements of common party walls and entrances where each dwelling unit has an individual entrance to a common hallway or the

outdoors, not including a two-family (duplex) dwelling or townhouse dwelling. A multifamily dwelling often has units stacked vertically, sharing common vertical walls and/or horizontal floors and ceilings, and may be called apartments, lofts, condominiums, stacked flats, or age-restricted independent living.

***Dwelling unit***

An area within a structure designed and constructed to be occupied for human habitation by a family. A dwelling unit provides complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**E**

***Electric vehicle charging station***

A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

- A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit, such as a typical household power outlet.
- A Level 2 charging station is a medium-speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.
- A Level 3 charging station is a high-speed charging station that operates on a high-voltage Direct Current (DC) circuit and supports the fastest charging times.

***Equestrian facility***

A facility designed and intended for the keeping or boarding of horses or the teaching and display of equestrian skills, including show jumping and dressage, and the hosting of events. An equestrian facility may include the Stable use.

***Event venue***

A facility, including open area, that is owned and operated by an entity other than the government for use for an event that is not a usual or customary use on the property. Events that occur at event venues may include, but are not limited to, weddings, wedding receptions, corporate events, cultural gatherings, musical events, festivals, fairs, carnivals, and circuses.

**F**

***FAA***

Federal Aviation Administration

***Family burial ground***

The accessory use for permanent internment of deceased human bodies, located on a portion of a lot that has a principal residential use.

***Farm products***

Forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and all other plants and animals that produce food, feed, fiber, or fur.

***Family subdivision***

The division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner, where the lot to be created does not meet the minimum size requirement for the zone district in which it is located.

***Farm winery***

An establishment on a working farm with a producing vineyard, orchard, or similar growing area that has facilities on the premises for fermenting and bottling wine and wine related beverages and is licensed by the state to operate as a farm winery. Wine may be transported to a licensed winery to be processed and returned to the farm winery for sale. This use may include an area devoted to the sampling and sales of wine and wine-related products and may sell wine by the bottle or by the drink for consumption on-site.

***FCC***

Federal Communications Commission

***Fireworks sales stand***

A temporary retail sales establishment that offers fireworks and related items for sale.

***Fleet fuel depot***

A fuel dispensing facility that dispenses fuel to businesses, organizations, and municipalities that maintain a fleet of vehicles. This use does not include any retail sale of gasoline to the general public and does not include any store sales, vehicle service, or vending operations.

***Floodplain Appeal***

An appeal of the local enforcement officer's interpretation of or a request for a from the standards of Section 5.12, Floodplain District Standards.

***Floodplain Variance***

A variance from the standards of Section 5.12, Floodplain District Standards.

***Forestry operation***

The creation, conservation, and management of forests and forest lands for the continuing use of both commodity and non-commodity benefits. This use does not include tree farms. Accessory uses include office space, storage and maintenance of equipment used to harvest and transport forest trees, and storage of harvested trees.

***Funeral home***

An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performing autopsies or other surgical procedures, or cremation.

**G**

***Garage***

See "Carport or garage."

***Gas station***

An establishment for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and which may offer minor repair services and inspections including but not limited to battery charging, tire repairs, and oil and fluid changes, but not including painting or major repair. A convenience store may be permitted as an accessory use.

***General office***

A facility in which business, professional, administrative and/or clerical activities are conducted, including but not limited to insurance agencies, architects, lawyers, engineers, real estate offices, government offices, motor vehicle licensing branches, post offices, radio/TV stations, video and audio production, programming, research centers, counseling, social services, testing laboratories, advertising agencies, travel agencies, abstract and title agencies or insurance companies, and stockbrokers. This use does not include medical or dental office or clinic uses. Accessory uses may include cafeterias, health and exercise facilities, or other amenities primarily for the use of employees in the firm or building.

**Government facility**

A building or facility housing the offices or operations of a department or agency of the city, county, state, or federal government, or a quasi-governmental organization, together with incidental storage and maintenance of necessary vehicles, including a library but not including the public safety facility use or a school.

**Greenhouse**

A structure consisting primarily of light-transmitting materials and used exclusively for growing plants or vegetables.

**Group home**

A dwelling in which eight or fewer unrelated persons with disabilities reside, along with up to three additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home. For purpose of this use, a disability is defined as a physical or mental impairment that substantially limits one or more major life activities of an individual, including but not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, or major bodily functions.

**H**

**Home occupation**

A business, profession, occupation, or trade that is conducted, as an incidental and subordinate use, within a dwelling unit by a resident of the dwelling unit. This use does not include certain occupations that are separately listed in this Ordinance, including family home day care, group home day care, and limited wood assembly.

**Home Occupation Permit**

A uniform mechanism for ensuring that a home occupation complies with the standards of this Ordinance. See Sec. 2.5.8, Home Occupation Permit.

**Hospital**

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

**Hotel and motel**

A building in which temporary lodging is offered for compensation, typically for fewer than 30 consecutive days. The guest rooms may have separate individual sleeping and living rooms and may include limited kitchen facilities. Accessory uses may include food and beverage uses, meeting rooms, and small-scale retail sales. This does not include bed and breakfast homestay or rooming house uses.

**House Moving Permit**

A uniform mechanism for ensuring the movement of a detached single-family home complies with the standards of this Ordinance. See Sec. 2.5.11, House Moving Permit.

**I**

**Immediate Family**

A person who is a child by birth or by law, step-child, spouse, sibling, grandchild, grandparent, parent, or step-parent.

**Interpretation**

A uniform mechanism for rendering a formal written interpretation of this Ordinance. See Sec. 2.5.17, Interpretation.

***Invasive Vegetation***

A plant that is not native to an area and can harm the environment, economy, or human health.

**J**

***Junk or salvage yard***

Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap, or discarded materials or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or any part of other vehicles or machinery not in running condition.

**L**

***Landfill or dump***

An area or site used for the disposal of solid waste or refuse in accordance with the standards of the Tennessee Department of Environment & Conservation.

***Light vehicle rental***

An establishment that provides for the rental of autos, small trucks or vans, trailers, motorcycles, and similar vehicles. Typical examples include car rental agencies and moving equipment rental establishments (e.g., U-Haul).

***Light vehicle repair***

Any facility providing for the repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 8,500 pounds gross vehicle weight, including but not limited to body work, painting, welding, or storage.

***Light vehicle sales***

An establishment that provides for the sale (including through auction) of new or used autos, small trucks or vans, trailers, motorcycles, or recreational boats. Typical examples include automobile dealers, auto malls, boat dealers, and moving equipment rental establishments (e.g., U-Haul). This use does not include the sale of commercial vehicles such as large trucks, mobile homes, motor homes, recreational vehicles, mass transit vehicles, travel trailers, or other similar vehicles greater than 8,500 pounds gross vehicular weight.

***Limited wood assembly***

The production, on a lot with a residential dwelling, of structural wood members and wood containers as defined by Standard Industrial Classification Nos. 2439 and 244, Standard Industrial Classification Manual, Federal Office of Management and Budget..

***Liquor store***

An establishment exclusively for the retail sale of alcoholic beverages, excluding beer, in original packages for consumption off the premises where sold.

**M**

***Manufacturing, artisanal [new]***

Small-scale fabrication, preparation, or production of arts, crafts, foods, and beverages by an artist, artisan, craftsperson, or cook, on the premises, by hand or with minimal automation. Examples include small-scale welding and sculpting or arts and crafts, small-scale 3D printing, small-scale furniture construction, firing of pottery or sculpture in kilns, and local, small-batch bakeries, candy shops, and cheese shops. Accessory uses include retail teaching of these skills to others during fabrication, preparation, or production. This use does not include production of alcoholic beverages or a restaurant.

***Manufacturing, heavy***

An establishment engaged in manufacturing and production activities that may result in substantial off-site noise, odor, vibration, dust, or hazard. Examples include the manufacture or assembly of machinery, vehicles, and appliances (including assembly of automobiles and automobile batteries); the smelting or reduction of ores; oil refining; stockyards, slaughterhouses, and rendering facilities; and the manufacture of petroleum products, explosives, cement, lime, gypsum, plaster-of-paris, fertilizer, corrosive acid, insecticides, radioactive materials, and plastic and synthetic resins.

***Manufacturing, light***

An establishment primarily engaged in printing, production, processing, assembly, manufacturing, compounding, or preparation of goods or products for sale to the wholesale or retail markets or directly to consumers, which does not meet the definition of artisan manufacturing or heavy manufacturing. This use is wholly confined within an enclosed building, does not include processing of hazardous gases and chemicals, and does not generate off-site noise, odor, vibration, dust, or hazard. Examples include assembly of prefabricated parts; manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and drugs (including bottling); manufacturing and mixing of paints; and manufacturing of components, jewelry, clothing, trimming decorations, and similar items.

***Marina***

An establishment for the docking and servicing of boats that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests, and related facilities. Food and beverage services may be allowed as an accessory use.

***Massage therapy establishment***

Any establishment licensed by the Tennessee massage licensure board, other than a regularly licensed and established medical facility, where any person, firm, association, or corporation engages in the activity of massage by a certified massage therapist licensed by the Tennessee massage licensure board.

***Medical or dental office or clinic***

A facility where medical examination and treatment, including physical therapy, is performed on an outpatient basis, with no overnight stays except under emergency circumstances. This use includes offices for medical professionals.

***Mobile home park***

Land that is planned, used, or intended to be used for the placement and occupancy of more than one mobile home, including all accessory buildings relating to the mobile home uses.

**N**

***Nonconforming Lot***

A lot for which the area, dimensions, or location was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the current requirements of the Ordinance or the zone district in which it is located.

***Nonconforming Site Feature***

A feature of a developed lot, parcel, or site such as parking areas or landscaped areas lighting that does not conform to the provisions of this Ordinance but that was lawful at the time the feature was put in place.

***Nonconforming Structure***

A structure for which the size, dimensions, or location was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment, to conform to the current requirements of the Ordinance, or the zone district in which it is located.

***Nonconforming Use***

A use which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the current use requirements of this Ordinance in the zone district in which it is located.

***Nonconforming Sign***

A sign which was lawfully erected prior to the adoption, revision, or amendment of this Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the current sign requirements of this Ordinance.

***Nonparticipating landowner***

For purpose of Section 4.2.4(C)(15), Wind Energy Facility, Large, a landowner not under a lease or other property agreement with the owner or operator of the large wind energy facility.

***Nursery***

A parcel of land used to raise nursery stock, conducted within or without an enclosed building. Any retail sales of goods to the public shall be limited to products grown on site, and shall be clearly secondary and incidental to wholesale sales or sales to landscapers, contractors or suppliers.

***Nursery stock***

All trees, shrubs, or other plants, or parts of trees, shrubs, or other plants, grown or kept for, or capable of, propagation, distribution, or sale on a commercial basis.

***Nursing home***

A facility, that is independent or part of a retirement community, where persons who are not actually ill but require skilled nursing care and other related services because of illness, disease, or physical infirmity are housed and furnished with meals for compensation.

**O**

***Ornamental tree***

See “Tree, ornamental.”

***Outdoor display of merchandise***

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

***Outdoor seating or activity area***

The provision of on-site outdoor seating or entertainment areas by an eating or drinking establishment where food or beverages are served for consumption or where outdoor entertainment takes place. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

***Outdoor storage area***

An area that provides for outdoor storage of machinery and equipment, not including vehicles.

**P**

***Parking facility***

A facility designed to accommodate vehicular parking spaces. This use may be on the surface or contained within a structure with one or more floors that are partially enclosed or located on the deck surface of a building. This use refers to standalone facilities that provide parking facilities that are not accessory to a principal use, and may include the payment of parking fees. This definition includes parking lots, parking garages, deck parking, and under-building parking areas.

***Pedestrian way***

A right-of-way intended for use by people walking or rolling in a wheelchair, including sidewalks, greenways, or other paths.

***Personal repair establishment***

An establishment primarily engaged in the repair of personal property, including repair of televisions and electronics, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment, as well as locksmiths and upholsterer services. This does not include automotive repair services.

***Personal services establishment***

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature, such as barbershops and beauty parlors, tattoo and piercing studios, nail salons, aestheticians, lash bars, packaging stores, mailing services, printing, engraving, photocopying, picture framing, tailoring, drapery making, taxidermy, employment agencies, and travel agents.

***Place of assembly***

A building or portions of a building used for the gathering of persons for such purposes as deliberation, education, instruction, entertainment, amusement, drinking, dining, or awaiting transportation, but not including a religious facility.

***Planned Development Map Amendment***

An amendment to the official Zoning Map to a Planned Development District. A planned development district supports development that is master planned and developed under unified control. Planned developments allow more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increase preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zone district regulations. See Sec. 2.5.3, Planned Development District Map Amendment.

***Planning Commission***

The Regional Planning Commission of Maury County, Tennessee, in accordance with state statute and Sec. 2.3.2 of this Ordinance.

***Portable storage container***

A container that is designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods and that does not contain a foundation or wheels for movement. This use includes shipping containers that can be transported by mounting on a chassis, and POD-type boxes that can be transported on a flatbed or other truck.

***Public park***

Land maintained and made available to the general public for recreation, exercise, sports, education, rehabilitation, or similar activities, or to enhance the enjoyment of natural features or natural beauty. Public parks may include athletic fields, open areas, playgrounds, dog parks, walking trails, outdoor marine recreation areas, such as beaches and fishing areas, and similar areas. This definition does not include community centers or outdoor recreation uses.

***Public safety facility***

A facility used to provide police, fire, or emergency medical services to the surrounding community

**R**

***Recreation, indoor***

A commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members, such as amusement arcades, indoor aquatic centers, bowling alleys, climbing walls, health clubs, fitness centers, indoor miniature golf, pool, indoor shooting ranges, axe-throwing, roller- or ice-skating, and video arcades. Accessory uses for indoor recreation facilities may

include spectator seating, meeting rooms, training rooms, food and beverage services, and retail sales related to the recreation use.

***Recreation, outdoor***

A commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members, such as archery ranges, athletic fields (e.g. baseball, softball, soccer, and football), batting ranges, golf course, golf driving ranges, outdoor aquatic centers, outdoor miniature golf, go-cart tracks, paintball, outdoor shooting ranges, state parks, and water parks. Accessory uses for indoor recreation facilities may include spectator seating, meeting rooms, training rooms, food and beverage services, and retail sales related to the recreation use.

***Recycling collection center***

A facility, other than a donation box or donation center, where recyclable materials are dropped off and stored until they are transported to a recycling processing center.

***Recycling facility***

A facility that receives recyclable materials typically from small collection facilities and commercial vehicles for the purpose of storing, handling, batching, and baling, or sorting prior to transferring to another facility. The facility may be involved with recycling-related collection activities not allowed at small collection facilities. There are two types of recycling facilities: Private recycling facilities that are owned or operated by a non-government entity, and public recycling facilities that are owned and operated by a government entity, including the County, state, or public agencies.

***Recycling processing center***

A facility for the sorting, processing, assembling, packaging, baling, and storage of materials.

***Recycling recovery facility***

A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. A recovered materials processing facility is not a solid waste processing facility.

***Rehabilitation center***

A facility with a purpose of providing formal, organized, services designed for treatment of alcohol or drug use or addiction with the intention of reducing disability or discomfort. Accessory uses may include eating and lodging facilities for staff and guests of the site, classrooms, fitness centers, offices, and similar facilities. Both inpatient and outpatient services may be provided.

***Religious facility***

A facility operated, maintained, and controlled by a religious organization for worship or the promotion of religious activities, including but not limited to a church, mosque, synagogue, temple, monastery, or other structure, together with its accessory buildings and uses. Accessory uses may include childcare facilities, educational facilities, and religious leader or caretaker housing.

***Research and development***

A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, which are not associated with a manufacturing facility on the same site except as incidental to the main purpose of the facility, and for the repair, storage, sale and resale of materials, goods, and products that are incidental to the principal use. This use includes but is not limited to chemical, biotechnology, pharmaceutical and medical research and development, software development, and soils and other materials testing laboratories.

***Restaurant, drive-in***

An establishment that serves food and beverages to customers located in vehicles for consumption on or off premises.

***Restaurant, sit-down***

An establishment that serves food and beverages to customers primarily seated at tables or self-served with food consumed on the premises. Outdoor dining or drive-through service may be allowed if permitted as an accessory use in the zone district where the establishment is located. This use category does not include drive-in restaurants serving food and/or beverages to customers in vehicles.

***Retail sales establishment***

An establishment that does not meet a definition of another principal use in this Ordinance that engages in the sale or short-term rental of goods and merchandise to the general public for personal or household consumption. Typical uses include newsstands, food stores, hardware stores, building supply stores, garden supply stores, pet food stores, antique stores, jewelry stores, pharmacies, furniture stores, florists, bakeries, department stores, auto parts stores (without vehicular service), grocery stores, specialty food stores, equipment rental shops, wedding supply rental establishments, sports equipment stores, bicycle sales, electronic equipment stores, and bookstores. There are three types of retail sales establishment:

***Retail sales establishment, small***

A retail sales establishment with less than 5,000 square feet of gross floor area.

***Retail sales establishment, medium***

A retail sales establishment with at least 5,000 square feet but no more than 15,000 square feet of gross floor area.

***Retail sales establishment, large***

A retail sales establishment with at least 15,000 square feet of gross floor area.

***Retirement community***

An integrated group of facilities that provides retirement-age persons a continuum of accommodations and care. This use typically encompasses a full range of living arrangements from independent living, congregate housing, residential care, and skilled nursing and sometimes hospice care that allow residents to obtain higher levels of care and service as they age without moving to another facility. Ancillary facilities and services typically include health care, meals within common dining facilities, physical therapy, education, recreation, and other social and cultural activities.

***Retirement facility***

An establishment for care of the elderly that has common facilities and provides licensed intermediate and skilled nursing services for its residents, as well as other supportive services. This use may include a variety of housing types and provide a variety of levels of assistance and care so that its residents may obtain higher levels of care and service as they age without having to move to another residential care facility.

***Rock Quarries and Mining***

The extraction of metallic and non-metallic minerals from the earth, including stone, sand, gravel, and other rocks. The minerals are often taken off the site for processing for commercial purposes. This use includes the land, buildings, and machinery associated with the activity of quarrying and mining.

***Road***

See "Street."

***Road Classifications***

See "Street."

***Rooming house***

A residential building which provides living accommodations for up to six persons, where the individual sleeping units do not have individual cooking facilities, and which may include common cooking and dining facilities and may have individual or shared bathrooms.

## S

### ***Sanitary landfill***

A method of disposing of solid waste into or on land without creating nuisances or hazards to public health or to the environment by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer(s) of an approved material.

### ***Satellite dish, accessory***

A parabolic antenna designed to receive electromagnetic transmissions from extraterrestrial sources such as a satellite.

### ***School, k-12***

An educational institution that offers a program of instruction for any grade level or combination of grade levels kindergarten through 12<sup>th</sup> grade meeting state requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, and other facilities that further the educational mission of the institution.

### ***School, vocational***

A public or private school that offers vocational or trade instruction to students, such as teaching of trade or industrial skills, clerical or data processing, barbering or hair dressing, cosmetology, computer or electronic technology, or artistic skills.

### ***Searchlight***

A powerful light equipped with a reflector to produce a bright beam intended to draw attention.

### ***Self service storage***

An establishment consisting of independent units for the storage of business or household goods or contractors' supplies. This use does not include the wholesale or retail sale of goods or commodities including, but not limited to, flea markets or yard and garage sales, the use of the storage areas for business or living purposes, or the storage of petroleum and other potentially hazardous and flammable materials.

### ***Shrub***

A woody plant that is usually greater than three feet but less than twenty feet in height that generally exhibits spreading stems and a bushy appearance.

### ***Sidewalk***

A hard-surface or raised pathway located within or outside the street right-of-way that is intended for use by people walking or rolling in a wheelchair.

### ***Sign***

Any display of letters, words, numbers, symbols, emblems, objects, pictures, or any combination thereof made visible for the purpose of attracting attention or of making something known, whether such display be made on, attached to, or constructed as part of a building, structure, vehicle, or object. This term does not include murals.

### ***Sign, Freestanding***

A sign that is not attached to any building, such as monument signs. The definition of a "freestanding sign" does not include a portable sign.



### ***Sign, Ground***

A free-standing sign with its base or its supports mounted directly to the ground having either (1) two sign faces that are located back-to-back on a single structure, or (2) as an option only for entrances to subdivisions (residential and non-residential), two separate single-faced signs.

**Sign, Off-premises**

A sign relating to a product, service, or establishment that is not located on the premises on which the sign is located.

**Sign, On-premises**

A sign relating to a product, service, or establishment that is located on the premises on which the sign is located.

**Sign, On-site Construction**

A temporary sign erected and maintained on a site during a period of construction.

**Sign, On-site Special Event of Interest**

Any temporary sign erected for the purpose of announcing a special event or function, to be held on specific dates, which may be of general interest to the community.

**Sign, On-site Directional**

An attached or freestanding on-site non-commercial sign directing the movement of pedestrian or vehicular traffic on the premises where it is located.

**Sign, Professional and Nameplate**

An identification sign bearing only the name, address, and the occupation of the occupant.



**Sign, Real Estate**

A temporary sign on the premises of a property which is for sale, rent, or lease.

**Sign, Roof**

Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.



**Sign, Wall**

A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

**Sign Permit**

A uniform mechanism for ensuring that the erection and maintenance of signs complies with this Ordinance. See Sec. 2.5.7, Sign Permit.

**Site Plan**

A uniform mechanism for ensuring that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards. See Sec. 2.5.5, Site Plan (Minor or Major).

**Slaughterhouse**

A facility for the slaughtering and processing of animals and the refining, packaging, and distribution of their byproducts.

**Small-Scale Meat Processing Facility**

A facility that processes a relatively small volume of meat compared to larger, industrial-scale plants. This facility is small and independent and is designed to serve the needs of the property owner and area farmers, with a limited square footage devoted to the processing building and only that only processes a small number of animals each year.

**Solar energy conversion system, large-scale**

A facility consisting of solar panels, modules, and related equipment (such as heat exchangers, pipes, inverters, wiring, and storage) that collects solar radiation and transfers it as heat to a carrier fluid for use

in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As a principal use, a solar energy collection system is designed to meet demands for a large area and is typically mounted on the ground.

***Solar energy conversion system, small-scale***

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roofs of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

***Solid waste***

Garbage, trash, refuse, abandoned material, spent material, byproducts, scrap, ash, sludge, and all discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and agricultural operations, and from community activities. Solid waste includes, without limitation, recyclable material when it is discarded or when it is used in a manner constituting disposal. Solid waste does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (33 U.S.C. § 1342).

***Special event***

A temporary activity at a specific location that is planned or reasonably expected to attract substantial assemblies of people that is not otherwise defined in this Ordinance, such as a tent revival or music festival.

***Special Exception***

A use which is specifically permitted if the owner can demonstrate via the Special Exception Permit process that it will meet certain standards, enumerated safeguards, or qualifying conditions.

***Special Exception Permit***

A uniform mechanism to ensure that special exception uses are appropriate for the location and district where they are proposed. See Sec. 2.5.4, Special Exception Permit.

***Spotlight***

See “Searchlight”

***Stable***

A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity.

***Stable, accessory***

A facility for the keeping of horses or other domestic animals for personal use and that is accessory to a principal residential use.

***Storage building***

A building accessory to the principal building on the site that is used primarily for the storage of nonhazardous material.

***Street***

A right-of-way which affords the principal means of access to more than one lot of abutting property, including roads, highways, thoroughfares, avenues, drives, lanes, and boulevards. Streets are classified as follows:

***Arterial***

Major streets that carry high volumes of motorized traffic. They serve to connect local and collector streets to the national highway system and are designated as arterial roads on Maury County’s Major Road Plan.

**Collector**

A low-to-moderate-capacity streets which serves to move traffic from local streets to arterial roads and are designated as such on Maury County’s Major Road Plan. Also known as a distributor.

**Street, Private**

A street that is owned by a private entity and that has not been dedicated or otherwise accepted as a public street by the County or another government entity.

**Street, Public**

A street that has been dedicated for public use and accepted by the County or state.

**Structure**

Any combination of materials constructed or erected, which requires location on the ground or attachment to anything located on the ground, including buildings, towers, signs, billboards, and fences.

**Subdivision**

Any subdivision or re-division of a parcel of land as defined under Tennessee Code Annotated. See also the Maury County Subdivision Regulations.

**Swimming pool**

A structure, either in-ground or above ground, designed, used, or intended to contain water to a depth of 36 inches or greater at any point.

**T**

**Tasting Room**

A use accessory to a brewery, distillery, farm winery, or winery at which guests may sample the manufacturer’s products and consume other nonalcoholic beverages

**TCA**

Tennessee Code Annotated

**TDEC**

Tennessee Department of Environment and Conservation

**TDOT**

Tennessee Department of Transportation

**Temporary dwelling unit for cases other than medical hardship**

A mobile home placed on a lot which already contains a residential structure for the purpose of preventing an exceptional hardship of the applicant due to damage to the principal residence on the site which renders it uninhabitable.

**Temporary extractive use**

The development or extraction of mineral deposits from their natural occurrences on affected land for a temporary period of time. This use includes quarries, borrow pits, sand and gravel operations, mining, and soil mining. This use does not include grading and removal of dirt in accordance with a development approval or permit granted in accordance with this Ordinance.

**Temporary family healthcare structure**

A transportable healthcare environment that is specifically designed with environmental controls, biometric and other remote monitoring technology, sensors, and communication systems to support extended home-based medical care, rehabilitation, and the provision of home- and community-based support and assistance for an older adult or person with a disability on the property where family members or unpaid caregivers who participate in the person’s care reside. A temporary family healthcare structure. Is primarily assembled at a location other than its site of installation; Is limited to one occupant who shall be the older adult or person with a disability who requires extended home-based medical care,

rehabilitation, or the provision of home and community-based support and assistance; meets the accessibility guidelines of the federal department of housing and urban development and the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.); and has no more than 500 square feet of living area.

***Temporary road material manufacture***

A temporary manufacturing plant used to make asphalt, concrete, or other materials used for the surfacing of County or state roads.

***Temporary real estate sales office***

A structure on the site of a residential subdivision that is used as an office to support the sale of real estate in that subdivision. The structure may be a mobile home or a residential dwelling before occupancy by a family.

***Temporary Use Permit***

A uniform mechanism authorizing a temporary use, in accordance with this Ordinance. See Sec. 2.5.9, Temporary Use Permit.

***Theater***

A building designed or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, and dramas and which typically have fixed seating.

***Tower***

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

***Transfer station***

A place or facility where non-hazardous solid waste materials are taken from a collection vehicle temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility. There are two types of transfer stations: Private transfer stations that are owned or operated by a non-government entity, and public transfer stations that are owned and operated by a government entity, including the County, state, or public agencies.

***Travel trailer***

A vehicular, portable structure designed as a temporary dwelling for travel, recreation, vacation, and other uses and which can function without connections to external water, sewer, and electrical systems. Travel trailers are not permitted as a use in the Residential uses category.

***Travel trailer park***

A plot of land designed and equipped to accommodate travel trailers parked in designated spaces for limited periods of time. A travel trailer park may include accessory uses that are related to the operation of the use or persons residing in travel trailers on the site, such as a management office, indoor or outdoor recreational facilities, and laundry facilities. **There are two types of travel trailer parks:**

***Travel trailer rental***

An establishment that provides for the rental of travel trailers.

***Tree***

Any living woody self-supporting perennial plant which normally grows to a mature overall height of a minimum of 15 feet.

***Tree, canopy***

A tree with a trunk that measures at least 24 inches in circumference measured at the diameter at breast height (DBH), at maturity.

***Tree, ornamental***

A flowering or showy tree that has an expected height at maturity of no greater than 30 feet. For the purposes of this Ordinance, an ornamental tree is also considered to be an understory tree.

***Tree, understory***

A roof-like structure with no walls that is attached or not attached to an adjacent structure. A canopy is not a marquee.

***Tree farm***

Any parcel of land used to raise and harvest trees for wood products, such as lumber, posts and poles, fuel wood, and Christmas trees.

***Truck terminal***

A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading, or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to trans-shipment.

## U

***Understory tree***

See “Tree, understory.”

***Utility, major***

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include private potable water treatment plants, water towers, wastewater treatment plants, gas compressor stations, and electrical substations. This use does not include communication towers or equipment, package plants that treat wastewater for a single residential subdivision, or septic systems.

***Utility, minor***

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, and telephone, fiber, and cable television lines.

***Utility System Operational Approval***

A uniform mechanism for approving new utility systems in the unincorporated County. See Sec. 2.5.10, Utility System Operation Approval.

## V

***Variance, Floodplain***

See “Floodplain Variance.”

***Variance Zoning***

See “Zoning Variance.”

***Veterinary hospital***

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term boarding that is incidental to medical care or treatment, cremation services, and limited retail sales of pet-related merchandise.

## W

### ***Warehouse***

A facility primarily engaged in the storage or distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution, but excludes the bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

### ***Waste composting facility***

A facility where organic matter derived primarily from off-site is processed by composting or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

### ***Waste processing facility***

A facility or structure or a combination of structures, machinery or devices utilized to perform solid waste processing, including other storage and processing areas. The term does not include collection vehicles.

### ***Waste processing or recycling recovery facility***

A facility that is a waste processing facility or recycling recovery facility, or both.

### ***Wholesale sales***

Establishments or places of business primarily engaged in selling to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large, merchandise, including but not limited to drugs and chemicals, dry goods and apparel, electrical goods, farm products, food, grocery products, hardware, plumbing, heating equipment, machinery, motor vehicles, and automobile equipment.

### ***Wind energy facility, small***

A facility that converts the kinetic energy in wind into mechanical energy, with a rated capacity of less than one megawatt or that uses wind energy turbines that do not exceed 200 feet in height.

### ***Wind energy facility, large***

A facility that converts the kinetic energy in wind into mechanical energy, with a rated capacity of one megawatt or more and with wind turbines that exceed 200 feet in height.

### ***Winery***

A facility in which virtuous liquors are produced and which is licensed by the state as a winery, and does not meet the requirements to qualify as a farm winery.

### ***Winery, farm***

See "Farm winery."

### ***Wind energy conversion system, small***

A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A small wind energy conversion system as an accessory use is intended to primarily reduce on-site consumption of utility power for a home or business.

## Z

### ***Zoning Compliance Certificate***

The authorization provided by the Director of Building and Zoning that certifies a proposed development or use complies with this Ordinance. See Sec. 2.5.6, Zoning Compliance Certificate.

### ***Zoning Map Amendment***

An amendment to the official Zoning Map. See Sec. 2.5.2, Zoning Map Amendment.

***Zoning Ordinance Text Amendment***

An amendment to the text of the Zoning Ordinance. See Sec. 2.5.1, Zoning Ordinance Text Amendment.

***Zoning Variance***

A variance from specific dimensional and numerical standards in this Ordinance when the strict application of the standards would result in unnecessary hardship. See Sec. 2.5.13, Zoning Variance.

***Zoo***

An indoor or outdoor facility where domestic animals are kept for viewing by the public. Accessory uses may include offices for zoo personnel, limited commercial facilities to serve zoo visitors, and bathroom facilities.