



GUIDELINES FOR COUNTY STAFF: NEW COUNTY ZONING RESOLUTION

The Sumner County Commission adopted a set of comprehensive amendments to the County Zoning Resolution on June 29, 2020. This document is intended to provide information contained in the County Zoning Resolution related to issues that will come up often so that staff can be prepared to provide answers.

COMMON SETBACKS FOR RESIDENTIAL DISTRICTS

NOTE: THE OLD AG, RA, R1A, ESTATE A & ESTATE B DISTRICTS HAVE ALL BEEN COMBINED INTO RURAL RESIDENTIAL (RR). ★

NOTE THAT INCREASED FRONT YARD SETBACKS ARE IMPOSED FOR LOTS FRONTING ARTERIAL AND COLLECTOR STREETS. STREET CLASSIFICATIONS ARE CONTAINED IN THE COUNTY'S MAJOR THOROUGHFARE PLAN.

**NOTE: AGRICULTURAL RESERVE (AR) AND MOBILE HOME COMMUNITY (MHC) ARE NOT ASSIGNED TO ANY LOTS AT THIS TIME. RESIDENTIAL B HAS BEEN CHANGED TO SUBURBAN RESIDENTIAL (SR).*

Table 1. Residential Districts – Bulk Regulations

Zoning District	Minimum Lot Area	Minimum Lot Width at Building Line	Minimum Building Setbacks	Maximum Height	Maximum Lot Coverage
AR – Agricultural Reserve	653,400 sq. ft. (15 acres)	Residential - 200 ft. Other Uses - 300 ft.	Front - 75 ft.* Rear - 30 ft. Side - 20 ft.	35 ft.	Residential - 20% Other Uses - 50%
RR - Rural Residential	40,000 sq. ft.	Residential - 100 ft. Other Uses - 150 ft.	Front – 40 ft.* Rear - 30 ft. Side -20 ft.	35 ft.	Residential - 20% Other Uses - 50%
SR - Suburban Residential	20,000 sq. ft.; Other Uses – 40,000 sq. ft.	Residential - 75 ft. Other Uses - 150 ft.	Front – 40 ft.* Rear - 20 ft. Side -10 ft.	35 ft.	Residential - 25% Other Uses - 50%
MHC Mobile Home Community	5 acres (7 D.U's Per Acre Maximum)	250 ft.	Front - 75 ft.* Rear - 50 ft. Side - 50 ft.	15 ft.	40%

**Lots fronting Arterial and Collector Streets as depicted in the Sumner County Major Thoroughfare Plan shall increase depicted front yard setbacks by 25 feet and 10 feet respectively.*

RULES FOR ACCESSORY STRUCTURES

For all permitted residential uses, detached accessory buildings incidental to a permitted use shall be limited in size based on the table below. Square footage measurements of detached accessory structures shall include the entire structure, including any expandable areas accessed by a formal staircase (e.g. bonus rooms on a second floor), finished or unfinished:

Size of Parcel	Total Combined Square Footage for all Accessory Structures
40,000 sq. ft. or less	2,000 sq. ft.
40,000 sq. ft. or more	5% of Lot Area

Buildings on Agricultural Land, or a Farm as defined herein, and used for agricultural purposes are exempt from these totals. Storm shelters, swimming pools, tennis courts and similar recreational activities are not considered to be buildings for the purpose of square footage calculations.

In addition, accessory buildings and structures:

1. Shall not be erected between the front lot line and the front wall of the principal building, unless the principal structure is setback more than 500 feet from the front lot line; however, no accessory building will be within the minimum required front yard of the district.
2. Shall be customarily incidental to the principal use established on the same lot;
3. Shall be subordinate to and serve such principal use;
4. Shall not, in combination with other existing and proposed structures, exceed the maximum lot coverage allowed by the zoning district;
5. Shall not be located within five (5) feet of any side or rear lot lines and a detached accessory structure shall be considered attached for the purpose of setbacks if the accessory structure is within five (5) feet of the principal structure. Accessory structures located beside the principal structure must meet primary setbacks.
6. Shall not be located within any drainage, utility or other easement. This provision shall apply also to storm shelters, swimming pools, tennis courts and similar recreational activities.
7. Accessory structures may not be constructed or established on any lot (less than 5 acres) prior to the house being built. This doesn't apply if they have a building permit for both structures and want to put the accessory structure in first. But if they are wanting to put an accessory building on a lot and nothing else they have to go to the BZA. Here's the wording:

Accessory structures shall not be constructed or established on any lot

prior to the time of construction of the principal structure to which it is accessory. This section shall not be construed to govern the sequencing or phasing of a construction project in which both the principal and accessory structures are to be built simultaneously. Provided however; a non-commercial storage facility, garage, shed, workshop or other structure for the private use of the landowner may be constructed on a residentially zoned piece of property prior to the establishment of a principal structure subject to the issuance of a special exception by the Board of Zoning Appeals in accordance with special conditions contained at Article 14. These non-commercial structures shall comply with the following criteria:

- a. The size of the accessory structure must conform to the size limitations for accessory structures generally.
 - b. The structure must meet all applicable setback, height and lot coverage regulations.
 - c. Only one (1) structure will be permitted per parcel, excluding approved agricultural structures.
 - d. The structure must not be used for any of the following activities:
 - Living quarters
 - Commercial activities
 - Storage for businesses that occur off of the property, including home-based businesses
 - e. None of regulations listed in this section shall prohibit or restrict approved agricultural structures or uses as defined by this Resolution or state law.
8. Storm Shelters shall be subject to the following restrictions
- a. Storm shelters shall not be constructed in any public utility, drainage, public right-of-way, or roadway easement or right-of-way.
 - b. Storm shelters shall meet the bulk and location regulations for accessory buildings.
 - c. If the storm shelter is above ground and is bermed with fill material, the berm slope shall be no greater than 3 to 1. The slope of the berm shall not extend into the public right-of- way.
 - d. The construction shall comply with the latest edition of International Code Council (ICC) 500 storm shelter standards and shall require normal building permits and inspection.

NUMBER OF HOUSES ON A LOT

In all residential districts, not more than one (1) principal building shall be erected on any lot.

However, on residentially zoned tracts of land fifteen (15) acres or greater, one (1) additional principal structure may be erected on a single lot, provided required road frontage, yard, area and other requirements of this Resolution are met for each structure as though it were on an individual or separate lot. This means that it must have at least 50 feet of additional road frontage for the additional house, so that it can be partitioned off in the future.

If a property owner wants to put a second house or mother in law suite on a piece of property, and cannot meet these requirements, they must obtain approval for an Accessory Dwelling Unit as provided at Article 11, Section 1101, Subsection R of the Sumner County Zoning Resolution.

A form is available at the Development Services Department, and they will need to schedule a pre-application meeting with the Planning Director prior to turning in the form. Once the application has been approved by Planning, they may apply for a building permit.

If they can't meet any requirements of the resolution, or if they want to put a mobile home on the property as an accessory dwelling unit, they will need to go to the Board of Zoning Appeals for an Exception.

GUIDANCE FOR MOBILE HOMES/TINY HOMES

- 1) New mobile homes are not permitted in most circumstances except in the AR and MHC districts and when approved as an Accessory Dwelling Unit approved via special exception granted by the County Board of Zoning Appeals. (New Mobile Homes not allowed in Rural Residential (RR) District, which is most of the County)
- 2) Mobile Homes may not be placed or replaced in platted subdivisions.
- 3) Existing mobile homes on non-platted lots may be replaced, but must meet the following Use Specific Standards for Mobile Homes:

Mobile homes shall have permanent perimeter skirting as described below to enhance the appearance of the home and to prevent rodent harborage.

- i. Skirting shall either be house brick or cinder block. Skirting shall bed on an 8- inch wide by 32-inch deep continuous trench footing below grade.
 - ii. Footings shall have 2 strands of #5 reinforcement placed horizontally 4 inches below finish.
 - iii. Brick or block shall be placed on footings and shall continue to the underside of the dwelling. Cinder blocks shall have 5/8-inch diameter anchors doweled/epoxy and core filled every 4 feet and 2 feet from corners at a minimum of 8 inches in depth.
 - iv. Brick/cinder block skirting shall be placed on top of footing and continue to the underside of the dwelling.
 - v. Permanent perimeter skirting shall be equipped with an inspection door at least 24 inches wide by 24 inches high.
 - vi. Mobile /modular home skirting shall be properly vented. Minimum venting shall be 1 square foot of ventilation for each 150 square feet of under floor area.
- 4) A modular home or manufactured home (a double-wide) shall be considered the same as a single family dwelling for the purpose of this Resolution.
 - 5) A Building Permit is required for all Mobile Homes/Tiny Homes
 - 6) "Tiny Homes" are defined as:
A code compliant home of 500 square feet or less that was built off site, transported to its intended destination, and then placed and secured on a permanent foundation.
 - 7) Tiny Homes are synonymous with "Mobile Homes", and are not generally allowed except in the AR and MHC districts, and upon appeal to the BZA as an Accessory Dwelling Unit. In addition, the following rules shall apply to Tiny Homes:
 - i. Tiny Homes constructed on trailer frames are not

permitted as a permanent residence and will be considered a recreational vehicle.

ii. Tiny Homes constructed on skids are not permitted as a permanent residence and will be in violation unless they comply with all of the following:

- Tiny Homes must be secured to a permanent foundation and anchored against wind uplift.
- Tiny houses constructed off site, whether on trailer frames or skids, shall not be inspected at their final destination, and must be accompanied by documentation prepared by a State Licensed Engineer or Third Party Inspection Firm. Such documentation shall attest that all building components, and specifically: egress, stair requirements, ceiling heights, minimum room sizes, energy, electrical, plumbing, mechanical and gas are Code compliant.
- In addition, engineering documents shall also be provided for any other code related issues as requested by Sumner County.
- It shall be illegal to occupy a newly constructed Tiny House without first obtaining a Certificate of Occupancy from the Building & Codes Department.

ITEMS THAT MAY ENCROACH INTO REQUIRED YARDS

In all districts, the following shall not be considered obstructions when located within a required yard except these items shall comply with the above provisions of this subsection.

1. In any required yard:
 - a. Arbors and Trellises.
 - b. Awnings or canopies projecting from a building wall over a window or door into the required yard not more than six (6) feet and having no supports other than provided by the wall or its integral parts.
 - c. Gutters or downspouts projecting into or over required yards not more than twenty-four (24) inches
 - d. Open fire escapes or staircase, the riser of which shall be at least fifty (50) percent open and whose vertical projection downward into a required yard does not project more than three (3) feet into, and not exceeding ten (10) percent of the area of the required yard
 - e. Porches, bay windows and balconies projecting not more than forty-two (42) inches from an exterior wall.
 - f. Flag poles having only one structural ground member
 - g. Fountains
 - h. Mail Boxes
 - i. Open Terraces and patios, including natural plant landscaping
 - j. Retaining walls
 - k. Signs as permitted by the sign regulations contained in Chapter 12.
 - l. Sculpture or other similar objects of art
 - m. Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, ash trays, light standards, and directional signs
 - n. In commercial and industrial districts, an overhead canopy that is open on all sides and fuel pumps may encroach into the required yard to within 20 feet of the street right-of-way

TEMPORARY PORTABLE STRUCTURE REGULATIONS

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

1. In any residential zone, a portable building shall be an accessory use and used only for storage of materials commonly incidental to the occupancy of the principal residential use.
 - a. No more than one (1) portable structure may be utilized for temporary storage during remodeling or for household moves but shall be located on the premises no longer than sixty (60) days. One permit extension for no more than sixty (60) additional days may be requested and granted by the Planning Director.
 - b. Portable structure shall be located at least ten (10) feet from the front property line and any septic tank and field line areas, and at least five (5) feet from all other property lines. In residential areas, structures may be placed in the driveway of the principal use being served, provided that adequate parking space for at least two (2) vehicles is maintained.
2. In any residential zone, usage of recreation vehicles or camping trailers on a lot for living, sleeping or housekeeping purposes will only be allowed under the following circumstances:
 - a. Bona fide temporary instances of visiting relatives or invited guests not to exceed 14 days in any calendar year per visit.
 - b. In cases where fire or natural disasters have occurred, subject to the following restrictions:
 - i. A temporary use permit may be issued by the Building Codes Department for a period of six months;
 - ii. An additional six-month temporary use permit may be issued by the Director of Building Codes;
 - iii. The unit must be served by approved water, sewer and electric facilities;
 - iv. Consistent with the International Building Code, as adopted by Sumner County, the unit must meet all building separation standards;

- v. Residential use of the unit must be discontinued on the property upon the issuance of a certificate of occupancy for the principal dwelling unit.
 - c. In cases where the property owner desires to live on-site while the principal residence is being constructed or renovated, subject to the following restrictions:
 - i. A temporary use permit may be issued for a period of six months;
 - ii. A building permit for the construction/renovation of the principal dwelling unit must be issued prior to a temporary use permit being issued. The building permit must remain valid in order for the temporary use permit to remain valid;
 - iii. An additional six-month temporary use permit may be issued by the Director of Building Codes. A renewal shall be not be granted if a valid building permit is not in effect;
 - iv. Consistent with the International Building Code, as adopted by Sumner County, the unit must meet all building separation standards;
 - v. The unit must be served by approved water, sewer and electric facilities;
 - vi. Residential use of the unit must be discontinued on the property within 30 days of the issuance of a certificate of occupancy for the principal dwelling unit.
- 3. In all non-residential districts, no portable structure may be used for any kind of human occupancy. Such structures may be used for storage in zoning districts that permit outside storage as otherwise permitted herein provided all site planning standards are met.
- 4. In any district, the Director of Building Codes may issue a temporary building permit for a contractor's temporary office and equipment sheds that are incidental to a construction project. Such buildings or sheds shall be removed when the certificate of occupancy is issued for the reconstructed building or when the certificate of occupancy is issued for the last house in a new housing development.

MISCELLANEOUS ITEMS

- 1) All existing regulations for road frontage still apply. 50 feet of road frontage minimum, via physical road frontage or an easement.
 - a. No easements over easements
 - b. Different lot width requirements still apply for new lots coming through the Planning Commission.
- 2) Special requirements now apply to all new lots or buildings that are accessing Highway 109.
 - a. In general no new curb cuts are allowed on Highway 109
 - b. All accesses must utilize an existing driveway cut along Highway 109
 - c. We need proof from TDOT that a driveway permit has been issued before issuing land disturbance/ building permits along Highway 109.
- 3) New requirements are established for illegal lots/substandard lots of record
 - a. Illegal lots (lots improperly created after July 9, 1973) must be platted
 - b. If a lot is platted, and it doesn't meet current minimum lot size requirements (say, 40,000 square feet in RR zone), then we go by the setbacks shown on the plat.
 - c. If no setbacks are shown on the plat, then we go by the setbacks in effect when the lot was created;
 - d. Legal lots of record established prior to the adoption of zoning and/or setback requirements must meet the following requirements:
 - i. 40,000 square feet or more: Setbacks for Rural Residential (RR) District
 - ii. Less than 40,000 square feet: Setbacks for Suburban Residential (SR) District
- 4) Cell Towers: Cell Towers typically first require approval of a Special Exception by the Board of Zoning Appeals. All requests for a new Cell Tower must obtain a Zoning Compliance letter from the Planning Director followed by a Building Permit.
 - a. No work on an existing tower requires any additional permit unless a new tower is being constructed
- 5) The New Zoning Resolution establishes a formal Sign Permit process. All new signs must obtain a Sign Permit from Planning. Ground mounted signs need to be staked at their proposed location and inspected by Building Codes prior to issuance of a Sign Permit