



**ZONING
RESOLUTION,
SUMNER COUNTY,
TENNESSEE**

**PREPARED FOR THE SUMNER COUNTY
REGIONAL PLANNING COMMISSION**

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CHAPTER 1

PURPOSE AND APPLICABILITY

Sections:

- 101 Title
- 102 Purpose and Authority
- 103 Application
- 104 Scope of Regulations
- 105 Renewals of Uses Where Exceptions, Variances or Conditional Uses Granted
- 106 Change of Uses Where Exceptions, Variances or Conditional Uses Granted
- 107 Legislative Intent of Administrative Application of Zoning Regulation

101 Title

This document shall be known as the Sumner County Zoning Resolution.

102 Purpose and Authority

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

- A. To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
- B. To implement the county's land use and major thoroughfare plans.
- C. To divide the county into zones and districts to restrict and regulate the location, building lines, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing, and other specified uses;
- D. To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the county, and to promote the orderly and beneficial development of such areas;
- E. To provide adequate light, air, privacy, and convenience of access to property;
- F. To regulate open spaces surrounding buildings that are necessary to provide adequate light and air and protect the public health;
- G. To fix reasonable standards to which buildings or structures shall conform;

- H. To prohibit uses, buildings or structures, which are incompatible with the character of development or the permitted uses within specified zoning districts;
- I. To prevent such additions to, and alterations or remodeling of, existing buildings or structures that would not comply with the restrictions and limitations imposed hereunder;
- J. To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;
- K. To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- L. To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;
- M. To conserve the value of land and the buildings thereon throughout the county;
- N. To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of this Resolution and which adversely affect the development and taxable value of property in each district;
- O. To define and limit the powers and duties of the administrative officers and bodies;
- P. To further the specific purposes stated in the various chapters throughout this Resolution;

103 Application

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within Sumner County's unincorporated planning area except as specifically or by necessary implication, authorized by this Resolution.

104 Scope of Regulations

- A. New Uses, Lots, Buildings, or Other Structures

Any new building or other structure or any tract of land shall be used, constructed, or developed only in compliance with this Resolution.

B. Alteration of Existing Uses, Buildings and Other Structures

1. This Resolution applies to all of the following when they occur after the effective date:
 - a. Structural alterations of existing buildings or structures that occur after the effective date of this Resolution;
 - b. Relocation of existing buildings;
 - c. Enlargements of existing uses;
 - d. Additions to existing uses.
2. Whenever an existing building is expanded or remodeled by more than 50 percent of its square footage within a 24 month period, the entire site shall be brought into compliance with the site improvements required by this Resolution.

C. Change of Use

When any existing use is proposed to be changed to another use, it may only be changed to a use that is permitted in the district.

105 Renewals of Uses Where Exceptions, Variances or Conditional Uses Have Been Granted

Where no limitation of a use was imposed at the time it was authorized, the use may be continued. Where the use was authorized subject to a term of years, it may continue until the term expires. After that time, the agency that originally authorized the use may extend the period of continuance. The agency may prescribe appropriate conditions and safeguards to minimize adverse effects of the use on the character of the neighborhood.

106 Change of Uses Where Exceptions, Variances, or Conditional Uses Granted

In no event shall any use that was granted upon any type of conditional use, exception, variance, or appeal, be changed. No agency is allowed to permit that type of use to be changed, except to a conforming use or nonconforming use as provided for in Chapter 13. For purposes of this section, a "change of use" is a change to another use either under a different activity type or any other activity type or major class of activity. However, a change in occupancy or ownership does not, by itself, constitute a change in use.

When a previously approved conditional use permit remains active and contains specific conditions or time limits, those conditions and limitations shall remain in effect under the terms of this Resolution.

A previously approved conditional use permit approving an activity that was never established or was discontinued for more than 30 months shall become void.

107 Legislative Intent of Administrative Application of Zoning Resolution

Whenever, in the course of administration and enforcement of this Resolution, it is necessary or desirable to make any administrative decisions, then, unless other standards are provided in this Resolution, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Resolution or injurious to the surrounding neighborhood.

CHAPTER 2

USE CLASSIFICATION

Sections:

- 201 General Classification Purpose and Applicability
- 202 Listing of Activity Classifications
- 203 Classification of Combination of Principal Activities
- 204 Residential Activities
- 205 Community Facility Activities
- 206 Commercial Activities
- 207 Industrial Activities
- 208 Agricultural Activities

201 General Classification Purpose and Applicability

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

A cross reference index that identifies specific uses and the respective use classification is contained in the Land Use Classification Index, included as Appendix C to this resolution. This index shall be used to determine the correct classification for each individual land use.

202 Listing of Activity Classifications

All activities are hereby classified into the following activity types:

- A. Residential Activities:
 - Permanent
 - Semi-Permanent

- B. Community Facility Activities:
 - Administrative Services
 - Community Assembly
 - Community Education
 - Cultural and Recreation Services
 - Essential Services

Extensive Impact Facilities
Health Care Facilities
Institutional Care Facilities
Minimal Impact Facilities
Personal and Group Care Facilities

- C. Commercial Activities:
 - Adult Entertainment
 - Animal Care and Veterinarian Services
 - Automotive Parking
 - Automotive Repair and Servicing
 - Consumer Repair Services
 - Construction Sales and Services
 - Entertainment and Amusement Services
 - Financial, Consultative, and Administrative
 - Food and Beverage Services
 - Food Service Drive-in and Drive Thru
 - General Business and Communication Services
 - General Personal Services
 - General Retail Trade
 - Group Assembly
 - Medical Services
 - Transient Accommodations
 - Undertaking Services
 - Vehicular, Craft, and Related Equipment
 - Wholesale Sales

- D. Industrial Activities:
 - Light Industrial Activities
 - Heavy Industrial Activities
 - Mining, Drilling and Quarrying
 - Scrap Operations
 - Transport and Warehousing

- E. Agricultural Activities:
 - Agricultural Sales and Services
 - Agricultural Tourism
 - Crop and Animal Raising
 - Plant and Forest Nurseries

203 Classification of Combinations of Principal Activities

The following rules shall apply where a single zone lot contains activities which resemble two or more different activity types and which are not classified as accessory activities. An example of an activity class is Community Facility Activities. An example of an activity type is Community Education.

A. **Separate Classification of Each Establishment**

The principal activities on a single zone lot by each individual establishment, management, or institution shall be classified separately.

B. **Separate Classification of Different Classes of Activities Conducted by a Single Establishment**

If the principal activities conducted by a single establishment, management, or institution resemble two or more different classes of activities, the principal activities of each class shall be classified separately and be subject to any applicable regulations for that activity class.

C. **Classification of Different Activities Within the Same Class, Conducted by a Single Establishment**

If principal activities conducted on a single zone lot by a single establishment, management, or institution resemble two or more activity types within the same class of activities, all such principal activities shall be classified in the activity type within said class the description of which type most closely portrays the overall nature of such activities.

D. **Classification and Land Use Reference**

Reference shall be made to the Land Use Classification Index in Appendix C when questions regarding a specific land use arise.

204 Residential Activities

A. **Permanent Residential**

The place where a person actually lives and which such person regularly intends to occupy over a substantial period of time. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, transitional homes or detention facilities, except as provided by state law. Group homes that qualify for statutory zoning protection are considered a permanent residential use. Examples include but are not limited to:

- Single family Detached Dwelling
- Town Home

B. Semi-Permanent Residential

The occupancy of living accommodations on a monthly or longer basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, transitional homes or detention facilities, except as provided by state law. Examples include but are not limited to:

- Dormitories
- Fraternity/Sorority Houses

205 Community Facility Activities

A. Administrative Services

Include the activities typically performed by public administrative offices. Examples include but are not limited to:

- Government Offices
- Police and Fire Stations

B. Community Assembly

Includes the activities typically performed by or at institutions and installations for various social, religious, athletic, and recreational purposes, including but not limited to accessory uses such as fellowship halls and recreational facilities but excluding any facility the primary function of which is to produce products or printed matter for sale or general distribution, any retail sales or commercial overnight accommodations or facilities primarily utilized for profit. Community Assembly is divided into three categories by the maximum occupancy in the largest assembly area. The categories are as follows: Small Assembly with a maximum occupancy of fewer than 150 persons; Medium Assembly with a maximum occupancy of 150 to 500 persons; Large Assembly with a maximum occupancy of greater than 500 persons. Examples include but are not limited to:

- Civic, Social, Fraternal, and Philanthropic Associations
- Religious Facilities including chapels, churches, convents, monasteries, mosques, sanctuaries, synagogues and temples

C. Community Education

Includes the activities of an educational nature typically performed by public and private schools. This does not include special training and schooling services offered by private individuals or for profit institutions nor technical schools, colleges, or universities. Examples include but are not limited to:

- Public and Private Nursery Schools
- Kindergarten, Primary, and Secondary Public and Private Schools

D. Cultural and Recreational Services

Includes the activities of a cultural or recreational nature that are either owned by, or operated for the use and enjoyment of, the general public.

This does not include such facilities that are privately owned and operated for profit. Examples include but are not limited to:

- Art Galleries and Libraries
- Parks and Playgrounds
- Recreational Centers and Gymnasiums

E. Essential Services

Includes the maintenance and operation of the following installations:

- Electrical and Gas Substations
- Pumping Facilities for Water and Sewer Systems
- Water Storage Facilities

F. Extensive Impact Facilities

Includes the activities that have a high degree of impact upon surrounding land use due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements. Examples include but are not limited to:

- Airports
- Sanitary Landfills (by special exception only)
- Stadiums and Sports Arenas

G. Health Care Facilities

Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals. Examples include but are not limited to:

- Nursing Homes
- Hospitals

H. Institutional Care Facilities

Includes activities providing residential services to unrelated individuals who are delinquent minors, psychotic, or paroled from detention institutions. Examples include but are not limited to:

- Group Living Arrangements
- Transitional Homes (Halfway Houses)

I. Minimal Impact Facilities

Includes the activities that, when properly implemented in accordance with this resolution, have a minimal impact upon surrounding land uses and are often associated with large open spaces:

- Golf Course
- Community Gardens
- Retreats

J. Personal and Group Care Facilities

Includes the activities and facilities to provide for the care of pre-teenage children (excluding living accommodations for the clientele), the elderly and/or persons with disabilities needing special care or supervision but

excluding facilities oriented toward medical care and also excluding facilities for delinquent, criminally dangerous, or psychotic people. Examples include but are not limited to:

- Family/Group Child Care Homes
- Group Home for Persons with Physical or Mental Handicap

206 Commercial Activities

A. Adult Entertainment

Includes the provision of entertainment and sale of materials that are predominantly directed toward adult sexual activities as further defined herein (see Adult Oriented Establishment definition in Appendix A, Definitions).

B. Animal Care and Veterinarian Services

Includes the provision of animal care, treatment, and boarding services. Examples include but are not limited to:

- Pet Day Care
- Veterinarian Clinics

C. Automotive Parking

Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

D. Automotive Repair and Servicing

Includes establishments primarily engaged in furnishing auto repair services to the general public. Examples include but are not limited to:

- Auto Paint Shops
- Auto Towing Services (without storage of wrecked vehicles)
- Auto Transmission Repair Shops

E. Consumer Repair Services

Includes the servicing and repair of appliances, furniture, and equipment generally used or owned by individuals. Examples include but are not limited to:

- Electrical Repair Shops
- Furniture Repair, Upholstery and Refinishing Shops
- Locksmith Shops
- Gunsmithing and other Firearm Repair Shops

F. Construction Sales and Services

Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage. It also includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures. Examples include but are not limited to:

- Heating, Plumbing, and Electrical Supplies
- General Building Contractors
- Plumbing, Heating and Electrical Contractors

- Landscaping and Mowing Contractors and Companies

G. Entertainment and Amusement Services

Includes the provision of cultural, entertainment, educational and athletic services, other than those classified as Community Facility Activities, to smaller groups of assembled spectators and/or participants (less than 250). For larger groups see Group Assembly. Not included in this activity group are rural event and wedding venues, which are characterized as “Retreats”. This activity type has two levels; Indoor and Outdoor. Examples include but are not limited to:

- Bowling Alleys and Billiard Parlors
- Amusement Arcades
- Skating Rinks
- Paintball Fields
- Ballfields

H. Financial, Consultative and Administrative Services

Includes the provision of financial, insurance, real estate brokerage and general business offices, as well as advice, designs, information or consultations of a professional nature (other than those classified as Community Facility Activities, Medical Service, or Business and Communication Services). Examples include but are not limited to:

- Artist Studios
- Attorneys and Law Offices
- Real Estate Brokers, Managers and Appraisers

I. Food and Beverage Services

Includes the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot or for catering services off site.

J. Food Service Drive-In and Drive-Thru

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

K. General Business and Communication Services

Includes the provision of services of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but exclude the sale and/or storage of goods and other property unless otherwise permitted by this Resolution. Examples include but are not limited to:

- Business Schools
- Computer and Data Processing Services
- Employment, Personnel, and Temporary Help Services

L. General Personal Services

Includes the provision to individuals of informational and instructional services as well as establishments primarily engaged in providing individual services generally related to personal needs. These activities allow the storage and sale of goods as permitted by this Resolution. Examples include but are not limited to:

- Child Care Centers
- Health Spas
- Dancing Schools/Exercise Studios
- Laundry Mat

M. General Retail Trade

Includes the retail sales or rental from the premises of goods, primarily for personal or household use, but excluding goods and services listed in the other classifications herein. This activity type has two levels; establishments that are 5,000 square feet of gross floor area or less and establishments that are greater than 5,000 square feet. Examples include but are not limited to:

- Department Stores
- Hardware Store
- Retail Nurseries

N. Group Assembly

Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (250 or more). For smaller groups see Entertainment and Amusement Services. Examples include but are not limited to:

- Amusement Parks
- Commercial Sports Arenas and Playing Fields
- Race Tracks (Auto, Motorcycle, Dog, and Horse)

O. Medical Services

Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners (Outpatient Services only), as well as testing and analysis services of which is provided in an office environment. Examples include but are not limited to:

- Medical Clinics
- Physicians' Offices

P. Transient Accommodations

Includes the provision of lodging services for transient guests. Examples include but are not limited to:

- Commercial Campground
- Hotel

Q. Undertaking Services

Includes the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial. Examples include but are not limited to:

- Crematoriums
- Funeral Homes
- Undertakers

R. Vehicular, Craft, and Related Equipment

Includes the retail or wholesale sale or rental from the premises of watercraft, vehicular and related equipment with incidental maintenance. Examples include but are not limited to:

- Boat and Motor Dealers
- Mobile Home Dealers
- Motor Vehicle Dealers

S. Wholesale Sales

Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories.

207 Industrial Activities

A. Light Industrial Activities

The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of products, if all such operations are carried out within completely enclosed buildings. Examples include but are not limited to:

- Cabinets and Similar Products
- Precision Machining of Dies, Jigs, and Fixtures
- Publishing, Printing (bulk)
- Upholstering
- Welding

B. Heavy Industrial Activities

Manufacturing or other enterprises with significant external effects, or which pose significant risks due the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. Examples include but are not limited to:

- Explosives
- Asphaltic Cement Plants
- Smelting and Refining of Metals and Alloys
- Waste Disposal by Compacting or Incineration, as a principal use

- C. **Mining, Drilling, and Quarrying**
Includes operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other non-metallic minerals (i.e. phosphate rock). Examples include but are not limited to:
- Clay, Ceramic, and Refractory Minerals
 - Sand and Gravel Quarrying
 - Stone Quarrying
- D. **Scrap Operations**
Includes firms engaged in the storage and/or sale, from the premises, of used or waste/scrap material or other items. Examples include but are not limited to:
- Automobile Junk Yards
 - Salvage Operations
- E. **Transport and Warehousing**
Includes the provision of warehousing, storage, freight handling, shipping, and trucking services. Examples include but are not limited to:
- Bus and Truck Maintenance and Repair
 - General Warehousing
 - Wrecker Services

208 **Agricultural Activities**

- A. **Agricultural Sales & Services**
Includes various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity thereto. Examples include but are not limited to:
- Feed Milling and Sales
 - Horticultural Services
 - Veterinary Services for Large Animals
- B. **Agricultural Tourism**
Includes the use of farms and dairies to provide a commercial enterprise at a working farm that provides recreational or educational experiences for visitors, and that generates supplemental income for owner. Not included in this activity group are rural event and wedding venues, which are characterized as “Retreats”. Examples include but are not limited to:
- Farm Tours
 - Harvest-your-own Activities
 - Seasonal Attractions (corn mazes, pumpkin patches, etc.)
- C. **Crop and Animal Raising**
Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but

specifically excluding facilities for the processing, packaging, or treatment of agricultural products. Examples include but are not limited to:

- Dairies
- Raising of Plants, Animals, and Fish

D. **Plant and Forest Nurseries**

Includes the cultivation for wholesale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

- Forest Nursery, Plant Nursery

CHAPTER 3

ESTABLISHMENT OF DISTRICTS AND PROVISIONS FOR THE OFFICIAL ZONING MAP

Sections:

- 301 Establishment of Districts
- 302 Provisions for Official Zoning Map

301 Establishment of Districts

The following zoning districts are established.

A. Residential Districts

- AR Agricultural Reserve
- RR Rural Residential
- SR Suburban Residential
- MHC Mobile/Manufactured Home Community

B. Office and Institutional Districts

- OP Office Professional
- IN Institutional

C. Commercial Districts

- CN Commercial Neighborhood
- CS Commercial Services
- CG Commercial General

D. Industrial Districts

- LI Light Industrial
- HI Heavy Industrial

E. Special Districts

- Planned Unit Development District
- Flood Hazard District

302 Provisions for the Official Zoning Map

A. Incorporation of the Official Zoning Map

The boundaries of districts established by this Resolution are shown on the Official Zoning Map. The Official Zoning Map is incorporated by reference into this Resolution. The zoning maps in their entirety, including all amendments, are as much a part of this Resolution as if fully set forth and described in the text.

B. Authentication, Identification and Alteration of the Official Zoning Map

The Official Zoning Map is identified by the signature of the County Executive and attested by the County Attorney, and bears the seal of the county under the following words: "This is to certify that this is the Official Zoning Map referred to in Chapter 3 of the Sumner County Zoning Resolution," together with the date of the adoption of this Resolution. The Official Zoning Map is located in the office of the Planning Director.

Any changes to the district boundaries on the Official Zoning Map shall be entered on the Official Zoning Map promptly after the amendment has been approved by the County Commission.

The Planning Director may create a digital copy of the Official Zoning Map through the use of geographic information system technology, which shall be known as the "Digital Zoning Map." The Digital Zoning Map shall contain registration points recorded on the Tennessee Coordinate System of 1983, as amended. The Digital Zoning Map may be used to administer and enforce this Resolution. However, if there is a discrepancy between the paper original of the Official Zoning Map and the Digital Zoning Map, the paper original of the Official Zoning Map controls. A printed copy of the Digital Zoning Map that meets the authentication requirements for the Official Zoning Map may serve as the Official Zoning Map.

C. Replacement of Official Zoning Map

All prior Official Zoning Maps or any significant parts thereof shall be preserved, together with all available records pertaining to their adoption or amendment.

CHAPTER 4

RESIDENTIAL DISTRICT REGULATIONS

Sections:

- 401 Statement of Purpose
- 402 Purpose of Each Residential District
- 403 Use and Structure Provisions
- 404 Bulk, Yard and Density Regulations
- 405 Other Regulations

401 Statement of Purpose

The residential districts established in this Resolution are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. Additionally, the residential districts established by this Resolution are designed to meet the housing needs of the present and expected future population, to protect residential areas against flood, fire, explosions, toxics, noxious matter and other objectionable influences, to promote the most desirable use of land in accordance with the adopted comprehensive plan, and to protect existing agricultural activities and encourage farmland preservation.

402 Purpose of Each Residential District

Each residential district has specific purposes as indicated below:

A. AR - Agricultural Reserve District.

This district is designed to provide permissible areas for the growing of crops, animal husbandry, dairying, forestry and other similar activities, which generally occur and characterize rural rather than urban areas. In addition, these districts may include areas and lands not suited by reason of soil, geologic, topographic, or other limitations for development. This district also may include community facilities, public utilities, and major recreational facilities, which require large land areas and are appropriately located away from intense urban development. The application of this district is appropriate at the property owner's request in any character area in the adopted comprehensive plan where the property is at least 15 acres.

B. RR - Rural Residential District.

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. The residential development will consist of single family detached dwellings and accessory structures. This district also includes community facilities, public utilities and agricultural activities. The application of this district is appropriate in the

rural and suburban character areas of the adopted comprehensive plan.

C. SR - Suburban Residential District.

This district is designed to provide suitable areas for medium density residential development where sufficient urban-type services and facilities are provided or where such services can be facilitated prior to development. Generally, the residential development will consist of single family detached dwellings and accessory structures. This district also includes community facilities, public utilities, and agricultural activities. The application of this district is appropriate in the suburban and high growth character areas of the adopted comprehensive plan.

D. MHC – Mobile/Manufactured Home Community.

This district is designed to provide a high quality environment for individual mobile homes, either owned or leased, in a planned development of mobile homes as defined. The appropriateness of this district may be determined on a case by case basis by the Planning Commission, but it is generally only appropriate within a context in which existing urban services exist to support such development.

403 Use and Structure Provisions

The uses and structures indicated may be permitted within the various residential districts only in the manner specified and subject to any specific design criteria that apply.

A. Uses Permitted

1. Principal Permitted Uses
See Appendix B, Land Use Activity Table.
2. Permitted Accessory Uses

In addition to the principal permitted uses, each activity type may include accessory activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity located on the same zone lot. These include:

- a. Accessory buildings and parking areas subject to accessory building regulations contained in Chapter 11, Supplementary District Regulations.
- b. Recreation facilities exclusively for the use of the residents. This provision includes subdivision amenities including but limited to clubhouses, pools and tennis courts on lots identified on an approved and recorded final plat subject to the provisions for site plans found in Chapter 14 of this Resolution,

- c. Home based businesses as defined and subject to further regulations contained in Chapter 11, Supplementary District Regulations.
- d. Accessory Dwelling Units subject to regulations contained in Chapter 11, Supplementary District Regulations.
- e. Signs in compliance with the regulations set forth in Chapter 12, Sign Regulations.
- f. Within all districts, private barns, stables, sheds, and other farm buildings that are used exclusively in the pursuit of agricultural activities within Agricultural Land as defined herein.
- g. Yard sale of personal/household items from a residence or produce grown on the same zone lot as the dwelling unit but only if;
 - i. Sale occurs no more than three (3) days in a ninety (90) day period of time, and;
 - ii. No more than four (4) times a year.
- h. A parents' day out or child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.
- i. Private residential homes that provide childcare for four (4) or less children and requires no licensure from the State of Tennessee.
- j. Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions Chapter 11 and Chapter 14 and to any applicable state requirements.
- k. Operation of a playfield or other recreational facility including but not limited to clubhouses, pools and tennis courts for employees, members, residents, patrons or others participating in the principal activity on the same zone lot.

B. Special Exceptions

Special exceptions permitted for consideration by the Board of Zoning Appeals are listed in the Land Use Activity Table in Appendix B.

C. Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table in Appendix B is prohibited.

The use of a mobile home or similar structure as an office, storage space, retail space, or in any other nonresidential manner is expressly prohibited unless permitted as a temporary use in Chapter 11. The County Board of Zoning Appeals shall hereby be expressly prohibited from the granting of variances related to this use requirement in all Residential Districts.

404 Bulk, Yard, and Density Regulations

The regulations appearing below apply to zone lots and buildings or other structures located on any zone lot or portion of a zone lot including all new developments, enlargements, extensions, or conversions. All barns, sheds, silos, or other buildings used exclusively for agricultural purposes shall be exempt from these regulations. Existing buildings or other structures which do not comply with one or more of the applicable bulk regulations are classified as nonconforming and subject to the provisions of Chapter 13.

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.*

- A. Variable Lot Size and Adequate Infrastructure in the RR Zone
 - 1. In the event water service is either not available or does not meet minimum requirements as determined by the water provider, lot sizes may not be less than 60,000 square feet.

- B. Cluster Residential Developments
 - 1. Within certain districts as indicated at Appendix B, applicants may vary from these bulk, yard and density requirements via an application seeking to utilize provisions related to Cluster Residential Developments. Specific standards related to this process are found at Chapter 14 of this Resolution.

405 Other Regulations

The following regulations are supplementary and apply as indicated.

A. Exterior Storage

For all approved nonresidential uses within the AR, RR, SR, and MHCD Districts, exterior storage of goods, materials, or other property is prohibited. Waste disposal receptacles shall be located in the rear of the principal buildings within an enclosure that is constructed of materials similar to the principal building. Such enclosure shall be screened from public view. (See fence regulations, Chapter 11)

B. Utilities

1. All utility connections in the RR district shall be underground from the street curb or utility pole to the dwelling. In the SR and MHCD districts, all utilities shall be underground along newly constructed neighborhood streets, and no overhead power lines shall be allowed.
2. Depicted minimum lot sizes are dependent upon such lot meeting the requirements of the State of Tennessee for wastewater treatment.

C. Sidewalks

Sidewalks shall be provided for all uses allowed or allowed upon appeal within the SR District, and within those properties in the RR District which are located within all place-types other than Rural and Conservation in the Sumner County Comprehensive Plan. Sidewalks shall be provided along both sides of the street if the development is located along both sides of the street. A payment in-lieu-of sidewalks may be approved by the Sumner County Planning Commission as set forth in the Sumner County Subdivision Regulations.

D. Fire Protection

For all approved nonresidential uses within all Residential Districts, fire protection shall be provided consistent with the requirements of the adopted building codes for Sumner County, and any applicable requirements of the State Fire Marshall.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

E. Development Standards within the Mobile Home Community District

The following standards and requirements shall apply to all mobile home communities permitted within the Mobile Home Community District.

1. Permit
 - a. Application for Permits

The construction or extension of a mobile home community may not commence within the area of jurisdiction of this Resolution until a building permit has been issued by the Director of Building Codes. A building permit may be issued for a mobile home community only upon approval of the required zoning district and approval by the Sumner County Regional Planning Commission of the site plan. Where conditions are attached by the Sumner County Regional Planning Commission they shall be included as part of the Certificate of Occupancy.

b. Site Plan Required

A building permit may only be issued for the construction or extension of a mobile home community upon submission and approval by the Sumner County Regional Planning Commission of a site plan meeting the minimum requirements contained within Chapter 14 of this Resolution, as well as all additional development standards contained in this Chapter.

2. Development Standards

a. General

i. No part of the community shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well-being of community residents and for the management and maintenance of the all facilities. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

ii. Conditions of soil, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion shall be used for any purpose, which would expose persons or property to hazards.

b. Minimum Development Size

No mobile home community shall be approved which contains less than five (5) acres in area.

c. Density

The number of mobile homes permitted within any mobile home community shall not exceed seven (7) units per acre.

d. Yards

Along the entire periphery of a mobile home community, yards shall be provided as follows: front 75 feet, side 50 feet, and rear 50 feet. Such yards shall be in addition to any required buffer yard required by this Resolution.

- i. Within the interior portions of a mobile home community, no yards, except as required to meet other provisions set forth in this section, are required.

3. The Mobile Home Space

- a. General: The limits of each mobile home space shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on approved plans. No space shall be smaller than 4,000 square feet.
- b. Mobile Home Stands: The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the FHA minimum requirements. Permanent foundations shall meet the requirements of the HUD publication "Permanent Foundations for Manufactured Housing", September 1996, and any subsequent amendments.
- c. Outdoor Living Area: Each mobile home lot shall be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than three hundred (300) square feet with a least dimension of fifteen (15) feet.

4. Spacing of Mobile Homes and Site Coverage

- a. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) feet clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet.

- b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting street within the park.
- c. Mobile home stands shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective space area.

5. Utilities and Other Services

- a. Water Supply and Distribution System: An accessible, adequate, safe and potable supply of water shall be provided in each mobile home community on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively.
- b. Sewage Disposal: Each mobile home community shall be served by public sewer, with service provided each trailer site or an approved alternative treatment system. No individual septic tanks shall be allowed.
- c. Solid Waste Disposal System: Solid waste collection stands shall be provided for waste containers for each mobile home. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Any central waste container shall be totally screened from view with access appropriately provided.
- d. Service Buildings: Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable Resolutions and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- e. Fire Protection: Each mobile home park shall provide fire protection consistent with the requirements of the adopted building codes for Sumner County, and any applicable requirements of the State Fire Marshall.
- f. Insect and Rodent Control: Each mobile home park shall be maintained free of litter and accumulation of any kind of debris that may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.
- g. Electric, Cable, Telephone Utilities: All electric, cable and

telephone utilities shall be underground. No overhead power lines shall be allowed.

6. Streets

a. General

All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means. All internal streets shall be privately owned and maintained, and under no circumstance may become the responsibility of the County.

b. Entrance Streets

Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of one hundred (100) feet from its point of beginning.

c. Circulation

The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to 500 feet and their closed end shall be provided with an adequate turnaround. (90 feet diameter cul-de-sac).

d. Pavement Widths

Pavement widths shall be as follows:

Collector Street with no parking	22 feet
Collector Street with on-street parking	36 feet
Minor Street with no parking	20 feet
Minor Street with on-street parking	34 feet
One-way minor street with no parking	12 feet
One-way minor street with on-street parking	28 feet

e. Construction

Subgrade - The subgrade shall be well-drained, uniformly graded, and compacted.

Base - The base shall consist of crushed stone or gravel, seven (7) inches in depth, compacted.

Surface - The surface shall be paved with asphaltic concrete plant mix, two 2 inches thick, compacted.

f. General Requirements

All mobile home park developments shall be provided with safe, convenient, all season pedestrian walks a minimum of five (5) feet in width, along both sides of the street; durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided. A pedestrian walks shall be provided and maintained between locations where pedestrian traffic is concentrated. Such pedestrian walks shall have a minimum width of five (5) feet.

g. Individual Walks

All mobile home spaces shall be connected to common walks, streets, driveways and parking spaces by individual walks with a minimum width of two feet.

7. Recreation Area

Recreation facilities for the residents of the community shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Well- equipped playgrounds shall be provided where it is anticipated that children will occupy the premises.

a. It shall be the applicant's responsibility to demonstrate that such amenities are not necessary (For example, due to age restrictions proposed or due to the proposed development's proximity to existing recreational amenities). Such amenities shall otherwise generally be required.

8. Buffer and Screening

A landscape buffer shall be provided in accordance with Chapter 11, Supplementary District Regulations.

9. Site Design

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

b. Additional new plant material shall be added for privacy, shade, and beauty of buildings and grounds.

- c. A landscape plan shall be submitted with the site development plan in accordance with the requirements of Chapter 14.
- d. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

10. Parking

Parking shall be provided in accordance with off-street parking requirements in Appendix D. Off-street parking spaces shall be located on each mobile home space.

11. Replacement of Mobile Homes

In any mobile home community, when a mobile home is relocated to a different pad within the development or is moved out of the community for any reason, it may be replaced only with another mobile home which has been certified under the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.) Prior to any such replacement, the owner/operator of the mobile home community shall first obtain a building permit.

After the replacement mobile home has been moved into the community and connected to all utilities but prior to any occupancy, such mobile home shall be inspected to determine its compliance with the above standard and any other applicable codes adopted by the County. A Certificate of Occupancy from the County Building and Codes office shall be required.

CHAPTER 5

OFFICE AND INSTITUTIONAL DISTRICT REGULATIONS

Sections:

- 501 Statement of Purpose
- 502 Purpose of Each Office/Institutional District
- 503 Use and Structure Provisions
- 504 Bulk, Lot and Open Space Requirements
- 505 Other Regulations

501 Statement of Purpose

The office/institutional districts established in this Resolution are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. Additionally, the office/institutional districts established by this Resolution are designed to provide sufficient space to meet the area's expected future needs for governmental, community assembly, institutional and professional office space; to protect adjacent residential areas from offensive influences; and to promote the most efficient and desirable use of land.

502 Purpose of Each Office/Institutional District

Each district has specific purposes as indicated below:

- A. **OP - Office Professional District.**
This class of district is designed to provide for low intensity office development and compatible commercial uses such as small retail and business service uses with a minimum of objectionable characteristics in appropriate locations. This district may be used as a transitional zone between residential and intense commercial areas. Permitted uses are those which tend to attract small numbers of people and generate lower volumes of traffic. Less building bulk is permitted and more open space is required.
- B. **IN – Institutional District.**
This class of district is designed to provide a zoning classification for specified governmental, community assembly, recreational, and institutional uses where a separate zoning district is appropriate. These regulations are intended to minimize any conflicts or adverse impacts on other properties, public roads, or facilities. It is also the purpose of this district to reserve areas for governmental operations, and other cultural and civic uses.

503 Use and Structure Provisions

The uses and structures indicated herein may be permitted within the various office/institutional districts only in the manner specified and subject to any specific design criteria that apply. All uses shall take place within permanently constructed structures that meet all building code requirements except for temporary uses as authorized.

A. Uses Permitted

1. Principal Permitted Uses

See Appendix B, Land Use Activity Table.

2. Permitted Accessory Uses

In addition to the principal permitted uses, each activity type may include accessory activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity located on the same zone lot. These include, but are not necessarily limited to the following:

- a. Off-street parking and loading serving a principal activity.
- b. Childcare for pre-teenage children when operated by a health care, commercial or institutional activity where the care is provided solely for the children of their employees or members. The facility shall be located on the same zone lot as the principal activity and meet all applicable state and local regulations for a day care center for children.
- c. Residential occupancy in connection with a principal nonresidential activity on the same zone lot, but only if:
 - i. No more than one (1) dwelling or rooming unit is permitted,
 - ii. The unit is occupied by person(s) associated with the principal nonresidential activity located upon the zone lot, and
 - iii. The nonresidential activity does not constitute a hazardous occupancy.
- d. Operation of a cafeteria or a gift shop for employees, members, residents, patrons or others participating in the principal activity on the same zone lot. Where the principal activity is permitted by special exception only, an accessory cafeteria or gift shop must be approved as a part of the action granting said permit.

- e. Operation of an administrative office of a firm engaged in a principal institutional or commercial activity on the same zone lot.
- f. Cemeteries located on the same property as a religious facility, but only if:
 - i. The zone lot is a minimum of 5 acres in size
 - ii. All grave sites are a minimum of 50 feet from any property line
 - iii. The site does not obstruct the development of any street proposed on the Sumner County Major Thoroughfare Plan.
- g. Operation of a playfield or other recreational facility including but not limited to clubhouses, pools and tennis courts for employees, members, residents, patrons or others participating in the principal activity on the same zone lot.
- h. Signs permitted in accordance with Chapter 12, Sign Regulations.
- i. A parents' day out or child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.
- j. Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Chapters 11 and 14 of this Resolution.

B. Special Exceptions

Special exceptions permitted for consideration by the Board of Zoning Appeals are listed in the Land Use Activity Table located in Appendix B.

C. Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table located in Appendix B is prohibited.

The use of a mobile home or similar structure as an office, storage space, retail space, or in any other nonresidential manner is expressly prohibited unless permitted as a temporary use in Chapter 11. The County Board of Zoning Appeals shall hereby be expressly prohibited from the granting of variances related to this use requirement in any District.

504 Bulk, Lot, and Open Space Requirements

The regulations appearing below apply to zone lots and buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions.

Table 2. Office/Institutional Districts – Bulk Regulations

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Building Setback	Maximum Height	Maximum Lot Coverage	Maximum Floor Area Ratio
OP – Office Professional	20,000 sq. ft.	100 ft.	Front 40 ft.* Side 15 ft. Rear 20 ft.	35 feet	50%	1.0
IN - Institutional	1 acre	100 ft.	Front 50 ft.* Side 25 ft. Rear 50 ft.	35 feet	50%	1.0

**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.*

505 Other Regulations

The following regulations are supplementary and apply as indicated.

A. Exterior Storage

Within the IN and OP Districts, exterior storage of goods, materials, or other property is prohibited. Waste disposal receptacles shall be located in the rear of the principal buildings within an enclosure that is constructed of materials similar to the principal building. Such enclosure shall be screened from public view. (See Fence Regulations, Chapter 11)

B. Utilities

All utility service connections shall be underground. Depicted minimum lot sizes are dependent upon such lot meeting the requirements of the State of Tennessee for wastewater treatment.

C. Sidewalks

Sidewalks shall be provided for all uses allowed or allowed upon appeal within the Office Professional and Institutional Districts. Sidewalks shall be provided along both sides of the street if the development is located along both sides of the street. A payment in-lieu-of sidewalks may be approved by the Sumner County Regional Planning Commission as set forth in the Sumner County Subdivision Regulations.

D. Fire Protection

Within the IN and OP Districts, fire protection shall be provided consistent with the requirements of the adopted Building Codes for Sumner County and any applicable requirements of the State Fire Marshall.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

CHAPTER 6

COMMERCIAL DISTRICT REGULATIONS

Sections:

- 601 Statement of Purpose
- 602 Purpose of Each Commercial District
- 603 Use and Structure Provisions
- 604 Bulk, Lot and Open Space Requirements
- 605 Other Regulations

601 Statement of Purpose

The commercial districts established in this Resolution are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. Additionally, the commercial districts established by this Resolution are designed to provide sufficient space to meet the area's expected future needs for modern, planned commercial floor space; to encourage the concentration of commercial establishments in integrated planned developments; to encourage commercial development in locations in accord with the adopted comprehensive plan; to protect commercial activities from congestion, encroachment, and other adverse characteristics; to protect adjacent residential areas from offensive influences; and to promote the most efficient and desirable use of land.

602 Purpose of Each Commercial District

Each commercial district has specific purposes as indicated below:

A. CN - Commercial Neighborhood District.

This class of district is designed to provide for the types of commercial activities that can be located in close proximity to residential areas and that meet recurring shopping and personal service needs. Bulk requirements and buffering standards are intended to insure compatibility between adjoining and nearby uses. In some instances, this district may also include Residential occupancy.

B. CS - Commercial Service District.

This class of district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; eating and drinking places; financial institutions; and offices. However, it is not intended that this district permit uses which generate large volumes of truck traffic, and

certain activities that have lower performance characteristics are prohibited. Less building bulk is permitted, and more open space and buffering are required.

C. CG - Commercial General District.

This class of district is designed to provide sufficient space in appropriate locations for a diverse range of commercial activities to serve a wide market area including retail, consumer and personal services, auto sales and repair, entertainment and amusement venues, food services, transient sleeping accommodations, various office uses, administrative and consulting services, the warehousing of products with no objectionable characteristics, limited industrial and assembly uses, and compatible services. These districts should be well separated from residential districts.

603 Use and Structure Provisions

The uses and structures indicated herein may be permitted within the various commercial districts only in the manner specified and subject to any specific design criteria that apply. All uses shall take place within permanently constructed structures that meet all building code requirements except for temporary uses as authorized.

A. Uses Permitted

1. Principal Permitted Uses

See Appendix B, Land Use Activity Table.

2. Permitted Accessory Uses

In addition to the principal permitted uses, each activity type may include accessory activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity located on the same zone lot. These include, but are not necessarily limited to the following:

- a. Off-street parking and loading serving a principal activity.
- b. Childcare for pre-teenage children when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees. The facility shall be located on the same zone lot as the principal activity and meet all applicable state and local regulations for a day care center for children.
- c. Residential occupancy in connection with a principal nonresidential activity on the same zone lot, but only if:

- i. No more than one (1) dwelling or rooming unit is permitted,
 - ii. The unit is occupied by person(s) employed in the principal nonresidential activity located upon the zone lot, and
 - iii. The nonresidential activity does not constitute a hazardous occupancy.
- d. Operation of a cafeteria or a gift shop for employees, residents, patrons or others participating in the principal activity on the same zone lot. Where the principal activity is permitted by special exception only, an accessory cafeteria or gift shop must be approved as a part of the action granting said permit.
- e. Production of goods, bakeries excluded, for sale by a firm engaged in a principal commercial activity on the same zone lot but only if in the CG or CS Districts and provided that:
 - i. All goods so produced are sold at retail by the same firm on the same zone lot;
 - ii. Such production does not occupy more than forty- nine (49) percent of the total floor area and open sales, display, storage and service area occupied by such firm on the zone lot;
 - iii. Such production does not in any case occupy more than two thousand (2,000) square feet of such floor area; and
 - iv. Such production may only be permitted in an enclosed building.
- f. Storage of goods sold by a principal commercial activity engaged in by the same firm on the same zone lot and in the same principal building, and such storage does not occupy more than forty-nine (49) percent of the total floor area.
- g. Operation of an administrative office of a firm engaged in a principal manufacturing or commercial activity on the same zone lot.
- h. Signs permitted in accordance with Chapter 12.
- i. Temporary tents or similar structures used for sales or promotions authorized by the Planning Director through the issuance of a temporary permit for a specified period of time

not to exceed two (2) weeks, no more than four (4) times within a year.

- j. Recycling Drop off Centers in accordance with Chapter 11.
- k. A parents' day out or child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.
- l. In the CN District, private residential homes that provide childcare for four (4) or less children and requires no licensure from the State of Tennessee.
- m. Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Chapters 11 and 14 of this Resolution.
- n. Operation of a playfield or other recreational facility including but not limited to clubhouses, pools and tennis courts for employees, members, residents, patrons or others participating in the principal activity on the same zone lot.

B. Special Exceptions

Special exceptions permitted for consideration by the Board of Zoning Appeals are listed in Land Use Activity Table in Appendix B.

C. Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table in Appendix B is prohibited.

The use of a mobile home or similar structure as an office, storage space, retail space, or in any other nonresidential manner is expressly prohibited unless permitted as a temporary use in Chapter 11. The County Board of Zoning Appeals shall hereby be expressly prohibited from the granting of variances related to this use requirement in any District.

604 Bulk, Lot, and Open Space Requirements

The regulations appearing below apply to zone lots and buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions.

Table 3. Commercial Districts – Bulk Regulations

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Building Setback	Maximum Height	Maximum Lot Coverage	Maximum Floor Area Ratio
CN - Commercial Neighborhood	15,000 sq. ft.	75 ft.	Front 30 ft.* Side 15 ft. Rear 20 ft.	35 ft.	50%	0.20
CS – Commercial Service	20,000 sq. ft.	100 ft.	Front 40 ft.* Side 15 ft. Rear 20 ft.	35 ft.	60%	0.50
CG – Commercial General	25,000 sq. ft.	125 ft.	Front 50 ft.* Side 20 ft. Rear 20 ft.	45 ft.	70%	1.0

**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.*

605 Other Regulations

The following regulations are supplementary and apply as indicated.

A. Exterior Storage

1. Within the CG and CS Districts, exterior storage of goods, materials, or other property is permitted only in the rear of the principal building unless otherwise shown and approved as part of a site plan review. Waste disposal receptacles shall be located in the rear of the principal building within an enclosure that is constructed of materials similar to the principal building. Such enclosure shall be screened from public view. (See fence regulations, Chapter 11)

B. Exterior Display

1. Within the CN, CS and CG districts, exterior display is permitted, provided that no portion of the display may be within required landscaped areas or buffer yards or within any required parking area, all as determined by Chapter 11 of this Resolution.
2. Display areas shall be maintained in an organized fashion and shall not include goods, items or other property not normally for sale at the place of business.
3. The goods, materials or other property offered for sale in an exterior display area must be of such a nature that they are not typically located within a permanent building or structure, such as vehicles, trailers, farming equipment, and landscaping supplies. Goods, merchandise or products that are typically located within a

permanent building or structure, such as (but not limited to) clothing and other household goods, shall not be offered for sale in an outdoor display area, with the exception of flea markets, which shall be allowed such a display during business hours only.

4. All exterior display areas shall be constructed of a dust free surface approved as part of a site plan review and graded to prevent ponding of water.

C. Utilities

All utility service connections shall be underground. Depicted minimum lot sizes are dependent upon such lot meeting the requirements of the State of Tennessee for wastewater treatment.

D. Sidewalks

Sidewalks shall be provided for all uses allowed or allowed upon appeal within all Commercial Districts. Sidewalks shall be provided along both sides of the street if the development is located along both sides of the street. A payment in-lieu-of sidewalks may be approved by the Sumner County Regional Planning Commission as set forth in the Sumner County Subdivision Regulations.

E. Fire Protection

Within the CN, CS and CG Districts, fire protection shall be provided consistent with the requirements of the adopted Building Codes for Sumner County and any applicable requirements of the State Fire Marshall.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

CHAPTER 7

INDUSTRIAL DISTRICT REGULATIONS

Sections:

- 701 Statement of Purpose
- 702 Purpose of Each Industrial District
- 703 Use and Structure Provisions
- 704 Bulk, Lot and Open Space Requirements
- 705 Other Regulations

701 Statement of Purpose

The Industrial Districts established by this Resolution are designed to provide sufficient space, in appropriate locations, to meet the needs for industrial expansion within the county's zoning jurisdiction; to encourage industrial development which is free from hazards to the public health and from other objectionable influences; to protect industrial activities against congestion, encroachment, and other adverse characteristics; to protect adjacent residential and commercial areas from offensive influences; and to promote the most efficient and desirable use of land. Within each industrial district, all uses are subject to the performance standards established in Chapter 11 of this Resolution.

702 Purpose of Each Industrial District

Each industrial district has specific purposes as indicated below:

A. LI – Light Industrial District.

This class of district is intended to provide space for a range of industrial and related uses that conform to a high level of performance standards and have the least objectionable characteristics. It is required that all operations of such establishments with the exception of limited outdoor storage be carried on within completely enclosed buildings thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities that have more objectionable influences. New residential activities except for those permitted as an accessory use are excluded, and community facilities and commercial establishments that provide needed services for industry and are complementary thereto are permitted.

B. HI – Heavy Industrial District.

This class of district is intended to provide space for the types of industrial activities, which by reason of volume of raw materials or freight, scale of

operations, type of structures required, or other similar characteristics require locations relatively well separated from non-industrial uses. New residential activities except for those permitted as an accessory use are excluded, and commercial establishments and community facilities that provide needed services for industry and are complementary thereto are permitted.

703 Use and Structure Provisions

The uses and structures indicated herein may be permitted within the various industrial districts only in the manner specified and subject to any specific design criteria that apply. All uses shall take place within permanently constructed structures that meet all building code requirements except for temporary uses as authorized.

A. Uses Permitted

1. Principal Permitted Uses

See Appendix B, Land Use Activity Table.

2. Permitted Accessory Uses

In addition to the principal permitted uses, each activity type may include accessory activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity located on the same zone lot. These include, but are not necessarily limited to the following:

- a. Off-street parking and loading serving a principal activity.
- b. Childcare for pre-teenage children when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees. The facility shall be located on the same zone lot as the principal activity and meet all applicable state and local regulations for a day care center for children.
- c. Residential occupancy in connection with a principal nonresidential activity on the same zone lot, but only if:
 - i. No more than one (1) dwelling or rooming unit is permitted,
 - ii. The unit is occupied by person(s) employed in the principal nonresidential activity located upon the zone lot, and
 - iii. The nonresidential activity does not constitute a hazardous occupancy.

- d. Operation of a cafeteria or a gift shop for employees, residents, patrons or others participating in the principal activity on the same zone lot. Where the principal activity is permitted by special exception only, an accessory cafeteria and gift shop must be approved as a part of the action granting said permit.
- e. Operation of an administrative office of a firm engaged in a principal manufacturing or commercial activity on the same zone lot.
- f. Signs permitted in accordance with Chapter 12.
- g. Temporary tents or similar structures used for sales or promotions authorized by the Planning Director through the issuance of a temporary permit for a specified period of time not to exceed two (2) weeks, no more than four (4) times within a year.
- h. Recycling Drop off Centers in accordance with Chapter 11.
- i. A parents' day out or child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.
- j. Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Chapters 11 and 14.
- k. Operation of a playfield or other recreational facility including but not limited to clubhouses, pools and tennis courts for employees, members, residents, patrons or others participating in the principal activity on the same zone lot.

B. Special Exceptions

Special exceptions permitted for consideration by the Board of Zoning Appeals are listed in Land Use Activity Table in Appendix B.

C. Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table in Appendix B is prohibited.

The use of a mobile home or similar structure as an office, storage space, retail space, or in any other nonresidential manner is expressly prohibited unless permitted as a temporary use in Chapter 11. The County Board of

Zoning Appeals shall hereby be expressly prohibited from the granting of variances related to this use requirement in any District.

704 Bulk, Lot, and Open Space Requirements

The regulations appearing below apply to zone lots and buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions.

Table 4. Industrial Districts – Bulk Regulations

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Building Setback	Maximum Height	Maximum Lot Coverage	Maximum Floor Area Ratio
LI – Light Industrial	40,000 sq. ft.	100 ft.	Front 50 ft.* Side 20 ft. Rear 20 ft.	40 ft.	50%	1.0
HI – Heavy Industrial	80,000 sq. ft.	150 ft.	Front 70 ft.* Side 30 ft. Rear 50 ft.	50 ft.	75%	1.5

**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.*

705 Other Regulations

The following regulations are supplementary and apply as indicated.

A. Exterior Storage

Within the LI and HI Districts, exterior storage of goods, materials, or other property is permitted only in the rear of the principal building unless otherwise shown and approved as part of a site plan review. Waste disposal receptacles shall be located in the rear of the principal building within an enclosure that is constructed of materials similar to the principal building. Such enclosure shall be screened from public view. (See Fence Regulations, Chapter 11).

B. Exterior Display

1. Within the LI and HI districts, exterior display is permitted, provided that no portion of the display may be within required landscaped areas or buffer yards or within any required parking area, all as determined by Chapter 11 of this Resolution.
2. Display areas shall be maintained in an organized fashion and shall not include goods, items or other property not normally for sale at the place of business.
3. The goods, materials or other property offered for sale in an exterior display area must be of such a nature that they are not typically located within a permanent building or structure, such as vehicles, trailers, farming equipment, and landscaping supplies. Goods, merchandise or products that are typically located within a

permanent building or structure, such as (but not limited to) clothing and other household goods, shall not be offered for sale in an outdoor display area, with the exception of flea markets, which shall be allowed such a display during business hours only.

4. All exterior display areas shall be constructed of compacted soil, gravel or other asphaltic or concrete surfaces as approved as part of a site plan review and graded to prevent ponding of water.

C. Sidewalks

Sidewalks shall be provided for all uses allowed or allowed upon appeal within all Industrial Districts. Sidewalks shall be provided along both sides of the street if the development is located along both sides of the street. A payment in-lieu-of sidewalks may be approved by the Sumner County Regional Planning Commission as set forth in the Sumner County Subdivision Regulations.

D. Fire Protection

Within the LI and HI Districts, fire protection shall be provided consistent with the requirements of the adopted Building Codes for Sumner County and any applicable requirements of the State Fire Marshall.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

E. Utilities

All utility service connections shall be underground. Depicted minimum lot sizes are dependent upon such lot meeting the requirements of the State of Tennessee for wastewater treatment.

CHAPTER 8

OPEN SPACE SET-ASIDE AND HOMEOWNERS' AND PROPERTY OWNERS' ASSOCIATION STANDARDS

Sections:

- 801 Purpose and Intent
- 802 Applicability
- 803 Design Standards for Open Space Set Asides
- 804 Protection and Maintenance for Open Space Set Asides
- 805 Homeowners' and Property Owners' Association Standards

801: Purpose and Intent

This Chapter addresses the character and design of those portions of a development that are not occupied by platted lots or streets and that are reserved for parks, trails, landscaping, and other open space uses. The standards of this Chapter apply regardless of whether or not the land involved will be dedicated to the County, and regardless of whether or not such open space will be open to the public or other residents of the development. This Chapter also establishes ownership and minimum maintenance standards for homeowners' associations, property owner associations, and nonresidential property owners related to open space set-asides.

802: Applicability

The provisions of this Chapter shall apply to all development types within all zoning districts with the exception of the AR District, due to that district's large minimum lot size requirements.

A. Amount of Open Space Required

Within all districts, all new subdivision plats and nonresidential site plans shall dedicate a minimum of 10% of their overall area as Open Space.

- *EXAMPLE: A 5-ACRE TRACT IS TO BE SUBDIVIDED*

- *5 ACRES IS 217,800 SQUARE FEET.*
- *217,800 X 10% = 21,780*
- *21,780 SQUARE FEET OF OPEN SPACE REQUIRED*

B. Required Areas to be Placed in Open Space

The following shall be required to be part of the preserved open space when open space is required:

1. Required Stream Buffers

2. Areas of Special Flood Hazard as defined within this Resolution that are not proposed for development.
 3. Designated wetlands
 4. Very steep slope areas, being defined as those areas that contain slopes in excess of 25 percent.
 5. Required landscaping; and
 6. Stormwater management systems and facilities as required by the Sumner County Stormwater Management Regulations.
- C. Permitted Uses In Open Space
- In addition to those areas required to be placed in open space above listed, the following uses may be permitted in required open space:
1. Passive and active recreational uses
 2. Gardens and the raising of agricultural crops;
 3. Picnic areas and associated shelters; and
 4. Natural areas.

803: Design Standards for Open Space Set-Asides

Land set-aside as open space shall comply with the following standards:

- A. All areas of open space shall be accessible to residents or users of the development by providing at least 15 feet of frontage on a public road, or in the case of a nonresidential development, 15 feet of frontage on an internal access drive;
- B. Areas of open space in residential subdivisions (of any type) shall be no less than 10,000 square feet in size;
- C. Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas on adjoining parcels; and
- D. Wherever feasible, areas of open space should be contiguous, thereby eliminating small, isolated pockets of open space.
- E. Such areas shall be labelled as "Common Open Space" upon the submitted plat or site plan.

804: Protection and Maintenance for Open Space Set-Asides

- A. Dedicated to the Homeowners' or Property Owners' Association

For residential development consisting of more than two 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 requirements of this chapter related to Homeowners' and Property Owners' Association Standards,

and the following:

1. Review of Document Creating Association

As part of the review of the association's documents, the County 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 Chapter.

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 first final plat of subdivision.

B. Retained on Private Lots

All required open space set-aside areas that are maintained on individual building lots (minor subdivisions) shall be protected as open space through the use of an easement prohibiting future development of open space, except in accordance with this Section. Such open space shall be clearly marked on any Site Plan and on any Preliminary and Final Plats for subdivisions. Any required open space areas subject to an open space easement shall be credited against any open space set-aside required.

C. Dedication of Open Space 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 a dedication shall be reviewed by the County Attorney as part of the development review process.

2. Dedication to the County or Other Governmental Entity

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, be dedicated to the County or other governmental entity in perpetuity who shall be responsible for managing the open space or common space. 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. An offer of dedication of any common space or open space, 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 said offer of dedication.

805: Homeowners' and Property Owners' Association Standards

Where common open space or common areas are required and/or proposed within a residential development consisting of two or more lots, a homeowners' or property owners' association shall be established to permanently maintain all open space and common areas (except as otherwise permitted, below). Such association shall comply with the following:

- A. The applicant shall file a declaration of covenants and restrictions that will govern the association. Copies of the proposed covenants, articles of incorporation, and bylaws of the homeowners' or property owners' association shall be submitted with the application for Final Plat or as part of a Major Site Plan approval. The provisions shall include, but not be limited to, the following:
 - 1. The association must be established before any lots are sold;
 - 2. Membership must be mandatory for each property owner and any successive property owner;
 - 3. The open space and/or common area restrictions must be permanent, not just for a period of years;
 - 4. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other amenities, drainage structures or other facilities pertaining to the open space or common areas; and
 - 5. The association must be party to a stormwater maintenance and inspection agreement with the County. Such agreement would typically transfer from the developer to the association.
 - 6. Each individual lot is financially responsible on a pro-rata basis for the maintenance of the open space or common areas, any recreational or other amenities, and all stormwater infrastructure through the pro-rata funding of the association. If the association ceases to exist for whatever reason, responsibility for maintenance of open space or common areas shall become that of the individual lot owners on a pro-rata basis.
- B. All homeowners' or property owners' associations shall guarantee the maintenance of all open space and common areas within the boundaries of the development for which such association was created.

- C. Such covenants shall be recorded with the first final subdivision plat for the development. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' or property owners' association shall permit the abrogation of any duties set forth in this section.
- D. The homeowners' or property owners' association shall be incorporated and shall remain active permanently. In the event of dissolution of the homeowners' or property owners' association for any reason whether administrative or otherwise, responsibility for maintenance of all common areas shall become that of the individual lot owners within the subdivision on a pro-rata basis, based upon the number of lots within the subdivision, or if the restrictive covenants for the subdivision so provide, any one or more lot owners within the subdivision may reform the homeowners' or property owners' association and assess each lot equally for the amount necessary to maintain said open space. In the event of failure of either of the above remedies the County may, but is not required, after giving proper notice to each property owner, to bring such open space into compliance, and place a lien on all lot owners within the subdivision for their pro-rata share of the cost, plus any administrative fees.
- E. In the event of a failure to maintain such open space or common areas, the County may, but is not required to, seek to enforce the homeowners' or property owners' association's non-performance of its obligations and duties (as described in the covenants and provisions) or as may be required by the Tennessee Code Annotated, through an injunction or any other civil remedy. The cost of such enforcement shall be reimbursed by the lot owners, and the County may place a lien on all lot owners within the subdivision for their pro-rata share of the cost, plus any administrative fees.
- F. In the event of failure of the association to pay any taxes assessed to the common areas, such taxes shall attach to each lot within the subdivision on a pro-rata basis based on the number of lots within the subdivision.
- G. 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, be dedicated to a non-profit organization or a similar entity in perpetuity who shall be responsible for managing the open space or common space. 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.
- H. 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, be dedicated to the County or other governmental entity in perpetuity who shall be responsible for managing the open space or common space. 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. An offer of dedication of any common space or open space, 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 said offer of dedication.

CHAPTER 9

PLANNED UNIT DEVELOPMENT REGULATIONS

Sections:

- 901 Purpose
- 902 Standards of Review
- 903 Procedures for Review
- 904 Application Requirements
- 905 Other Issues

901 Purpose

The Planned Unit Development District (PUD) is a distinct zoning district which is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

- A. Providing flexibility in the application of land development regulations that will encourage innovative development and redevelopment for residential and nonresidential purposes so that a growing demand for other housing and other development and land use may be met by variety in type, design, and layout of dwellings and other buildings and structures, including traditional neighborhood development;
- B. Providing flexibility in architectural design, placement, and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking; and related site design considerations;
- C. Encouraging the conservation of natural features, preservation of open space and critical and sensitive areas, and protection from natural hazards;
- D. Providing efficient use of public facilities;
- E. Encouraging and preserving opportunities for energy-efficient development and redevelopment;
- F. Promoting attractive and functional environments for nonresidential areas that are compatible with surrounding areas; and
- G. Accommodating developments that are exclusively residential, exclusively non-residential, or a compatible and complementary mix of residential and non-residential units.
- H. To allow increases in density beyond what is typically found in a conventionally zoned tract of land or to offset any reduction in developable lands (i.e. land dedicated to open space).

902 Standards of Review

All applications for PUD approval will be evaluated using the following standards of review:

A. Ownership and Division of Land

An application for the approval of a PUD may be submitted by one or more owners of the property to be included in the PUD. The holder of a written option to purchase or any governmental agency shall be considered an owner for the purposes of this section. Unless otherwise provided as a condition of approval of the PUD, the landowner of an adopted planned development may divide and transfer parts of such development provided that the transferee shall be obligated to complete each such part, and use and maintain it in strict conformance with the approved PUD.

B. Classification of Planned Unit Developments

1. Planned Unit Developments shall be classified under one of the following four categories:
 - a. Residential Planned Unit Development
 - b. Commercial Planned Unit Development
 - c. Industrial Planned Unit Development
 - d. Mixed Use Planned Unit Development
2. Residential Planned Unit Developments shall be further classified as one of three subcategories. The Residential Planned Unit Development subcategories and maximum allowable densities of each shall be as follows:
 - a. Low Density Residential Planned Unit Development:
 - 2.2 dwelling units per acre (single family only)
 - b. Medium Density Residential Planned Unit Development:
 - 3.5 dwelling units per acre (single family only)
 - c. High Density Residential Planned Unit Development:
 - Single Family: 4.0 dwelling units per acre
 - Townhouse: 8 dwelling units per acre
 - Multi Family: 10 dwelling units per acre

Such Classification shall be prominently displayed on all required concept plans, plan sets, and pattern books. When a question arises as to the appropriate classification to assign a development, the Planning Director shall decide.

C. Adequate Public Facilities

Approval of a PUD shall be based upon a finding that streets, utilities, and drainage features have adequate capacity to serve the proposed development. The applicant for a PUD shall present any applicable studies (i.e. traffic studies) and documentation with their application that demonstrates all relevant utility companies and governmental departments have been consulted and that adequate capacity exists for their development. If deficiencies do exist, the applicant shall offer to upgrade or otherwise provide adequate facilities to support their development.

D. Connectivity

1. Street System Connectivity. An interconnected street system is necessary in order to promote orderly and safe development by ensuring that streets function in an interdependent manner, provide adequate access for emergencies and service vehicles, enhance access by ensuring connected transportation routes and provide continuous and comprehensible traffic routes. Applications for planned developments are encouraged to provide public street access to adjoining properties, including connections into any existing streets that currently stub into the property. At the same time, staff understands that connections to all properties may not be practical. Therefore, the following information shall be required with all PUD applications:
 - a. A plan showing all proposed connections to adjacent properties;
 - b. If the applicant believes that there are certain connections that are not practical or possible to make, or if they believe that their development meets the intent of this section with the connections proposed, a written explanation of their position shall be submitted with their plan.
2. Bicycle/Pedestrian Connectivity. Walkways are encouraged to be provided within the PUD in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. Where appropriate the plan shall provide pedestrian/bicycle access to, between or through open space areas and to appropriate off-site amenities. Informal trails may be constructed of gravel, wood chip or other similar material.
3. Sidewalks. All PUDs shall provide sidewalks along both sides of the street if the development is located along both sides of the street. No waiver or payments in-lieu-of sidewalks shall be allowed.

E. Landscaping

Landscaping is intended to make uses more compatible by requiring a screen or buffer between the uses in order to minimize the potentially harmful impact of noise and objectionable views. Landscaping shall at a minimum conform to the standards in Chapter 11 of this Resolution.

F. Off-Street Parking

Off-street parking requirements shall conform to the standards located in Chapter 11 of the Zoning Resolution, unless otherwise stated in the applicant's regulating pattern book. A parking study may be submitted as part of the PUD application to demonstrate the amount of proposed off-street parking and its ability to accommodate the proposed uses.

G. Perimeter Requirements

PUDs shall be harmonious and not conflict with the surrounding residential neighborhood. Use of landscaping, screening, open space, architectural compatibility measures, change in density, and the placement of buildings shall be accepted land use planning tools by which this harmonious relationship can be created.

H. Architectural Design

PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems, such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site.

I. Bulk Regulations

The legislative body may approve a development plan that modifies and establishes lot size limits, setback requirements, height limits, maximum lot coverage and other bulk requirements. Any modifications to the bulk regulations shall adhere to any applicable building codes. Unless otherwise stated in the applicant's regulating pattern book, bulk regulations shall be consistent with the zoning regulations most consistent with the development type (i.e. residential, commercial, etc.) based on the interpretation of the Planning Director.

Regulations for accessory structures shall remain consistent with Chapter

11 of this Resolution, unless otherwise stated in the applicant's regulating pattern book.

J. Minimum Building Separation

Required building separation is determined by applicable building and fire codes. In developments where building separation will be less than 15 feet, the applicant shall be required to demonstrate adequate fire protection.

K. Waiver of Board of Zoning Appeals Action

No action of the Board of Zoning Appeals shall be required in the approval of a PUD.

L. Open Space

1. Required Open Space.

In all PUDs, a minimum of 20 (twenty) percent of the gross project area, excluding areas devoted to waste water disposal (i.e. STEP Systems) or nonresidential uses, shall be set aside as open space. At least 50 percent of this land shall be Usable Open Space, as defined in this chapter.

2. Definitions.

a. Open Space: Any land or area within the boundaries of a development, the preservation of which in its present use would:

- Conserve and enhance natural or scenic resources;
- Protect streams or water supply;
- Promote the conservation of soils, wetlands, or other environmentally sensitive areas;
- Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or
- Enhance recreation opportunities.

b. Usable Open Space: An area or areas within the boundaries of a development that are designed, set aside and maintained for either active or passive recreation, or both, and are available and accessible for use and enjoyment by all residents of the development, or designated portion of a development.

3. Permitted Uses.

a. Open space containing natural features worthy of preservation may be left unimproved. Permitted uses for open space may include, but are not limited to:

- i. Greenbelts that serve as a buffer between land uses, using existing vegetation, or an aesthetic amenity such as boulevard trees;
 - ii. Agriculture or pasture uses; and
 - iii. Preservation of important natural features.
- b. Usable open space must be suitably improved for its intended use. Active recreation facilities are encouraged. Permitted uses for usable open space may include, but are not limited to:
 - i. Pedestrian, bike and multi-purpose trails;
 - ii. Passive recreation areas, including pocket parks; and
 - iii. Active recreation areas, such as ball fields and playgrounds, provided that they are limited in impervious area to 10 percent of the required open space.

4. Location and Configuration.

Where relevant and appropriate, open and usable open space shall be located so as to be readily accessible by residents and uses of the development. To the extent practicable, open space and usable open space should provide the following;

- a. Focal points for the development, such as public gathering areas, fountains, etc.
- b. Connectivity within the development so that an interconnected network of open space can be enjoyed by the residents.
- c. An extension and enlargement of presently existing or planned trail, park, or other open area land adjacent to the development.

5. Stormwater Management Facilities.

Stormwater detention/retention facilities may be allowed by the County as part of an open space plan subject to the following criteria:

- a. The detention pond shall be constructed so as to drain fully when precipitation is not occurring (i.e. no standing water may be left) unless the pond is designed as an aesthetic amenity.
- b. The side slope of the detention pond shall not exceed thirty-three percent unless slopes are existing, natural and covered with vegetation.

- c. If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in natural or near-natural condition.
- d. The detention area shall be landscaped in a manner which is both aesthetic and able to withstand the inundation expected.
- e. Use of a dedicated usable open space area for storm water detention/retention shall not be acceptable if the area must be fenced or otherwise rendered unsuitable or unavailable for recreation use during dry weather.
- f. In the case of joint use of usable open space for detention and recreation, the property owners' association shall be responsible for maintenance of the facilities.

6. Areas not considered open space or usable open space.

- a. The area within a public street right-of-way or private road access easements or other easements that include roads, drives, or utility lines;
- b. The area within any manmade storm water detention or retention pond, unless improved consistent with this subsection;
- c. STEP soils areas.

7. Phasing of open space and usable open space.

The phasing plan shall coordinate the improvements of open space and common open space in the development. No occupancy permits shall be issued for any portion of the phase unless and until the open space and usable open space which is part of that phase has been improved and dedicated to a maintenance organization.

8. Maintenance of open space and usable open space.

All open space and usable open space shall be deeded to a property owners' association, and the developer shall file with the Planning Commission a declaration of covenants and restrictions that will govern the association to be submitted with the application for preliminary subdivision plat or site plan approval. The County Attorney will review the documentation as to form prior to Planning Commission Approval. The provisions shall include, but not be limited to the following:

- a. The association must be set up before the properties are sold;
- b. Membership must be mandatory for each buyer and any successive buyer;

- c. The open space and usable open space restrictions must be permanent, not just for a period of years;
- d. The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities; and
- e. Property owners must pay their prorated share of the cost to the assessment levied by the association to meet changed needs.

M. Project Phasing

The Board of Commissioners may elect to permit the development of a PUD in phases; in which case, the following provisions shall be complied with:

1. Any phasing plan shall be approved during the PUD review process and shall be sufficient in terms of size and scope in order for the phase to exist as a “stand alone” project, in the event the applicant does not implement subsequent phases of the PUD as proposed and approved.
2. Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.
3. Time extension for Concept Plans. The owner and/or applicant who requested the PUD may request an extension of the Concept Plan in one-year increments. The request shall require a revised phasing plan to be submitted. Approval of a time extension is at the discretion of the Planning Commission. However, the total time extension shall not exceed two years without re-approval being granted by the Board of Commissioners. When considering approval of a time extension, the Planning Commission may recommend the concept plan be modified to comply with regulations adopted since the PUD was approved and/or to address changes to surrounding properties since the PUD was approved.
4. Inactive PUDs. A PUD shall be considered inactive if any of the following situations occur:
 - a. If a preliminary subdivision plat or site plan has not been approved by the Planning Commission within one year of the effective date of the PUD;
 - b. If a final subdivision plat has not been approved by the Planning Commission and recorded by the applicant within three (3) years of the Planning Commission’s approval of a preliminary subdivision plat; or

- c. If actual construction has not begun on an approved site plan within 18 months of Planning Commission approval consistent with Chapter 14 of this Resolution. For the purposes of this subsection, actual construction is defined to include permanent fastening of construction materials on-site or extensive grading including demolition or removal of existing structures necessary for the development; or
 - d. If at any time the PUD, or phase of the PUD has not been developed according to a schedule established with the original approval of the PUD, unless time extensions have been granted by the Planning Commission as specified in this Subsection.
5. If a PUD is inactive, the Planning Commission shall give notice by certified mail to the owner/applicant who requested the PUD and shall schedule a public hearing to take any of the following actions:
- a. Recommend extending, removing or modifying the schedule for development;
 - b. Recommend amendments to the concept plan;
 - c. Recommend rezoning of the property to its former zoning classification.

903 Procedure for Review

The review procedure for a PUD shall comply with the following steps:

A. Step 1 – Preliminary Concept Meeting

The applicant shall meet with the Planning Department to discuss the initial concepts of the PUD. The applicant shall supply preliminary information including but not limited to proposed uses, site constraints, road access, utility availability, and proposed density. Staff shall make the applicant aware of any applicable plans and Resolutions. All staff comments are advisory in nature.

B. Step 2 - Pre-application Conference

- 1. Within 90 days of the preliminary concept meeting, the applicant shall meet with the Planning Department and other departments, as appropriate, for a pre-application conference.
- 2. The applicant shall supply preliminary information to the Planning Department in a form established by the Planning Department. Such information shall be submitted at least three business days prior to the pre-application conference meeting.
- 3. The purpose of the pre-application conference shall be to review

refined plans and concepts for the PUD, the submittal requirements for the formal application, and the neighborhood meeting.

C. Step 3 - Neighborhood Meeting

1. The applicant is required to hold at least one formal neighborhood meeting prior to the formal application for a PUD. The applicant shall meet the following standards when conducting a neighborhood meeting:
 - a. Provide adequate notice to the Planning Department of the neighborhood meeting, including time, date, and location of the meeting. The meeting must be attended by a staff member of the Planning Department.
 - b. Conduct the neighborhood meeting within proximity of the location of the proposed development. If it is not possible to hold the meeting in proximity to the location of the proposed development, due to lack of public facilities, the meeting shall be held in a nearby convenient location.
 - c. An effort shall be made to provide adequate notice of the neighborhood meeting to the community. This notice may include but not be limited to a notice in a local newspaper or an informational letter distributed to area property owners. At a minimum, informational letters shall be distributed by the applicant to property owners within a 500-foot radius of the proposed PUD.
 - d. Provide the Planning Department with a written summary of the meeting as part of the Concept Plan application. The summary shall include a brief description of the method used to provide notice of the neighborhood meeting to the community and highlight the primary concerns of the neighboring property owners raised at the neighborhood meeting. Staff may submit a supplemental summary with additional information if necessary.
2. The Planning Director, at his sole discretion, may waive the neighborhood meeting requirement for modifications or reapplications under the following circumstances:
 - a. For reapplications: If a formal neighborhood meeting has been conducted for the PUD application in the last 12 months and no changes to the original application are being proposed.
 - b. For modifications: The proposed modifications to the PUD application will not alter the potential impact of the PUD on the neighboring properties.

D. Step 4 – PUD Application

1. Within 90 days of the pre-application conference, the applicant shall submit an application in accordance with the application requirements contained herein.
2. If the applicant fails to submit an application within 90 days of the pre-application conference, the applicant shall be required to begin the review procedure again from the pre-application conference (Step 2).

E. Step 5 – Planning Commission Review and Recommendation

The Sumner County Regional Planning Commission (Planning Commission) shall review the PUD application, hold a public hearing, and make a recommendation to the Board of Commissioners. The Planning Commission shall recommend approval, denial, or approval with conditions within 60 days after the initial consideration of the application. The applicant may waive the 60 day time requirement and consent to an extension or extensions.

F. Step 6 - Board of Commissioners Review

The Board of Commissioners shall review the PUD application, hold a public hearing, and make a final decision. In making such a decision, the Board of Commissioners shall consider but not be bound by the recommendation of the Planning Commission. The Board of Commissioners shall approve, deny, or approve with conditions. The Board of Commissioners may defer the application for a reasonable amount of time if more information is needed to make an informed decision. Within 30 days after approval of a PUD, the zoning map will be amended to show the PUD as a zoning district.

G. Step 7 - Site Plan and Subdivision Plat Requirements

1. If approved, the PUD Regulating Pattern Book, as described in this chapter, will become the controlling document for all future development in that established PUD zone. Parcels approved for a PUD will continue to be regulated by the Regulating Pattern Book regardless of future subdivision and sale of the property.
2. The procedure for Site Plan review will be required as established in Chapter 14 of this Resolution.
3. The procedure for Preliminary Subdivision Plat and Final Subdivision Plat review will be required as established in the Sumner County Subdivision Regulations.

904 Application Requirements

The application shall be accompanied by a fee established by the Board of Commissioners from time to time and shall include the following:

A. Regulating Pattern Book

The applicant shall submit 15 paper copies and 1 electronic version (in PDF format) of the Regulating Pattern Book, which shall include the following:

1. Name, address, contact information of applicant and professional architect, planner, or engineer responsible for preparing the Regulating Pattern Book.
2. A Concept Plan which contains the following minimum information:
 - a. Location, shape and size of property or properties involved in the project;
 - b. The proposed street network within the project which shall include the location and proposed improvements of any road depicted on the Major Thoroughfare Plan. The plan shall show all proposed connections to adjacent properties;
 - c. The location of proposed lots and an indication of the proposed uses for each lot;
 - d. The location of common open space, pedestrian/bicycle connections, areas proposed for public use (i.e. school, fire station);
 - e. For any nonresidential use show the general location of proposed buildings, parking areas, loading zones, and screening.
3. List of permitted uses within the development;
4. List of exceptions from zoning and subdivision regulations that are otherwise applicable to the property including but not limited to setbacks, lot size, and street design;
5. A plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on-site and within two hundred feet of the subject property and the identification of the existing uses of those properties;
6. A graphic rendering of existing natural features including but not limited to topography, soils, woodlands, wetlands, floodplain, and existing drainage patterns which affect the property;

7. A map showing available utilities, easements, roadways, rail lines and public right-of-way crossing and adjacent to the property;
8. Architectural renderings, architectural plans or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials, including the siding and roof materials, porches, decks and any proposed landscaping;
9. For projects that include residential uses, the proposed project density including a tabulation of the maximum number of residential lots for each proposed square footage range;
10. For projects that include nonresidential uses, a tabulation of maximum total square feet of building floor area proposed for commercial and industrial uses, by general type of use; and the maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial and/or industrial uses;
11. A tabulation of the number of lots which would be allowed under the existing zoning. Provide a detailed explanation on how this tabulation was calculated;
12. A tabulation and description of amenities within the PUD including the percentage of open space and usable open space;
13. For projects that include nonresidential uses, a photometric plan of the nonresidential areas complete with light cutsheets and lighting fixtures examples;
14. A signage plan sheet, depicting proposed entryway monumentation and any other internal signage schemes for the development.
15. If the PUD is proposed to be constructed in stages during a period extending beyond a single construction season then a Phasing plan shall be established. The Phasing Plan shall include:
 - a. The approximate date when construction of the project will begin;
 - b. The order in which the phases will be built;
 - c. The minimum area and approximate location of common open space and public improvements that will be required at each stage; and
 - d. A breakdown by phase for subsections [9] and [10] above.

B. Concept Plan

The applicant shall submit one 24"x36" copy of the Concept Plan, as described above at an appropriate scale as determined by staff.

C. Continued Maintenance Assurance

The applicant shall submit the proposed means of assuring the continued maintenance of common open space or other common elements and governing the use and continued protection of the planned development. Any proposed restrictions or covenants to be placed on the development shall be submitted for the record.

D. Documentation of Adequate Public Facilities

The applicant shall submit any applicable studies including but not limited to traffic and environmental studies and documentation that all relevant utility companies and governmental departments have been consulted and that adequate capacity exists or the applicant has agreed to upgrade the facilities.

E. Documentation of Neighborhood Meeting

The applicant shall submit a summary of the neighborhood meeting as described in this Chapter.

F. Additional Information May be Required

The planning staff, Planning Commission or Board of Commissioners may require additional information to be submitted which may be necessary to make a determination regarding the PUD application.

G. Final Regulating Pattern Book and other Documentation

Following approval by the County Commission, the applicant shall provide a Final Regulating Pattern Book, Concept Plan, and all restrictions or covenants to be placed on the development to the County incorporating any conditions imposed by the County Commission. The Final Regulating Pattern Book shall contain upon the title page the name of the Development and the wording: "Approved by the Sumner County Commission (Date)"

905 Other Issues

A. Modifications to a PUD

Following approval of the PUD by the Board of Commissioners, it is possible that as the development of the PUD progresses, modifications to the approved concept plan may be necessary for a variety of reasons. Minor

modifications only require administrative approval from the Planning Director. However, major modifications, as defined below, will be subject to further review by the Planning Commission and Board of Commissioners and will be required to undergo the process for PUD approval as enumerated in this Chapter.

A written request from the developer seeking a variation to an approved planned unit development shall be submitted to the Planning Director. The request shall describe the overall effect of the proposed changes, a modified concept plan, the reasons for seeking such amendment, and provide a written description of how the proposed modifications accomplish the intent of the PUD as originally proposed. Upon receipt of a complete request, the Planning Director will make a written determination on whether the proposed modification is major or minor within ten (10) business days.

Modifications that result in the following will be classified as major:

1. The changes proposed seeks to amend a specific condition that was imposed by the Board of Commissioners;
2. Proposed amendment results in the increase in the number or dwelling units (density) or maximum square footage (intensity) in the case of non-residential PUDs;
3. The amendment modifies the location and/or number of the PUDs primary access points;
4. The amount of open space is reduced;
5. Modification of bulk and height restrictions and any other development regulations expressly enumerated in the Regulating Pattern Book.
6. Deviations to site plans consistent with Chapter 14 of this Resolution.

B. Re-application if Denied

If an application for a PUD is denied by the Board of Commissioners, a re-application pertaining to the same property with the same regulating pattern book may not be filed within one year of the date final action was taken on the previous application, unless such re-application is initiated by the Planning Department or the Board of Commissioners.

CHAPTER 10

FLOOD HAZARD DISTRICTS

Sections:

- 1001 Statutory Authorization, Findings of Fact, Purpose and Objectives
- 1002 Definitions
- 1003 General Provisions
- 1004 Administration
- 1005 Provisions for Flood Hazard Reduction
- 1006 Variance Procedures
- 1007 Legal Status Provisions

1001 Statutory Authorization, Findings of Fact, Purpose and Objectives

A. Statutory Authorization

The Legislature of the State of Tennessee has delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, the Board of Commissioners of Sumner County, Tennessee, does resolve as follows:

B. Findings of Fact

1. The Sumner County Board of Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of the National Flood Insurance Program.
2. Areas of Sumner County are subject to periodic inundation which could result in the 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. These 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, flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards or which result in damaging increases in erosion, flood heights or velocities;
2. Require that uses vulnerable to floods, including County 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 floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Resolution are:

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

8. To maintain eligibility for participation in the National Flood Insurance Program.

1002 Definitions

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

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

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

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Resolution or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"Area of Special Flood-related Erosion Hazard" is the land within a community, which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building", See "Structure".

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

"Exception" means a waiver from the provisions of this Resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Resolution.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Structures" see "Existing Construction".

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of rivers or streams or tidal waters, 2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the FEMA of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, electrical systems and structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or "Flood-related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

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

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by

- the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
 4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that has been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

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

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

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

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle", but does include "Tiny Homes" of less than 300 square feet.

"Manufactured or Mobile Home Park or Subdivision" A manufactured home park is a planned unit development containing two or more Type "A" or "B" manufactured homes or mobile homes and shall have met all the requirements outlined in this Resolution. A manufactured home subdivision is a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale to be used solely for Type "A" Manufactured Homes.

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

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, the term is synonymous with 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 is a vertical control used as a reference for establishing varying elevations within the floodplain.

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

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

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

"100-year Flood", see "Base Flood".

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area" see "Area of Special Flood Hazard"

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" is the Tennessee Department of Economic and Community Development's as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"Structure", for purposes of this Resolution, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement, taking place during a 5-year period, in which the cumulative cost

equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Resolution which permits construction in a manner otherwise prohibited by this Resolution where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified of floods of various magnitudes and frequencies in the floodplains of riverine areas.

1003 General Provisions

A. Application

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

B. Basis for Establishing the Areas of Special Flood Hazard

C. The Areas of Special Flood Hazard identified on the Sumner County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS)

Number(s) 47165CV001C, Volumes 1 and 2, dated, April 17, 2012 and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 470349: 25, 50, 75, 100, 125, 127, 130, 131, 132, 133, 134, 150, 175, 200, 225, 245, 257, 259, 260, 263, 264, 267, 269, 270, 280, 285, 288, 290, 291, 293, 295, 305, 310, 311, 312, 313, 314, 316, 317, 318, 319, 330, 335, 340, 345, 376, 377, 378, 379, 381, 382, 383, 384, 391, 392, 394, 401, 402, 403, 404, 406, 407, 408, 409, 411, 412, 413, 414, 416, 417, 418, 419, 426, 427, 428, 429, 431, 432, 433, 434, 436, 441, 442, 455, 460, 465, 466, 476, and 477, dated April 17, 2012, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

D. Requirement for Development Permit

A development permit shall be required in conformity with this Resolution prior to the commencement of any development activities.

E. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.

F. Abrogation and Greater Restrictions

This Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restriction shall prevail.

G. Interpretation

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements and; (2) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

H. Warning and Disclaimer of Liability

The degree flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Sumner County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

I. Penalties for Violation

Any person who violates this Resolution or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than \$500, and in addition, shall pay costs and expenses involved in the case.

1004 Administration

A. Designation of Floodplain Administrator

The County Engineer shall serve as the administrator to implement the provisions of this Resolution.

B. Permit Procedures

Application for a certificate of zoning compliance (prior to issuance of a building permit) shall be made to the Sumner County Planning Department on forms furnished by same prior to any development activities. The applicant shall submit the following with the certificate of zoning compliance: an accurate and legibly drawn site plan, in duplicate, at a scale of note less than one hundred feet to one inch (100'=1"), 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. A survey, certified by the registered land surveyor showing property boundary lines and dimensions, and the gross land area of the site.
- b. The elevation of the lot.
- c. Location, size and arrangement of existing and proposed buildings.
- d. Fill, storage of materials, and drainage facilities.
- e. Elevations in relation to mean sea level of the lowest floor, including basement, of all structures when Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- f. Elevation in relation to mean sea level to which any non-residential structure has been flood-proofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.

- g Design and the FEMA Flood-proofing Certificate from a Tennessee-registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Section 1004.
- h A description of the extent at which any water course will be altered or relocated as a result of the proposed development.
- i The Director of Building and Codes may make other reasonable requirements for information when necessary.

2. Construction Stage

Within approximate A zones, where base flood elevation data are not available, the Floodplain Administrator shall record the elevation of the lowest floor on the development permit. 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.

For all new construction and substantial improvements, the permit holder shall provide to the County an as-built certification of the lowest floor elevation or flood-proofing level upon the completion of the lowest floor or flood-proofing.

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. When flood-proofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a Tennessee professional engineer or Tennessee architect and certified by same.

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 herein, shall be cause to issue a stop-work order for the project.

3. Additional Duties and Responsibilities of the Floodplain Administrator

In addition to other duties and responsibilities set forth in this Resolution the Floodplain Administrator shall:

- a 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.U. 1334.

- b. Verify and record the actual 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 structures, in accordance with the permit procedures outlined in this Chapter.
- c. Verify and record the actual elevation, in relation to mean sea level or the highest elevation, where applicable, to which new and substantially improved structures have been flood-proofed in accordance with the permit procedures outlined in this Chapter.
- d. When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the County of Sumner FIRM meet the requirements of this Resolution.

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 flood proofed to a level of at least three (3) feet above the highest adjacent grade. All applicable data including elevations or flood proofing certifications shall be recorded as set forth the permit procedures outlined in this Chapter.

- e. When the Administrator has designated areas of special flood hazards (A and AE zones) by publication of a county's FHBM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the county shall:
 - i. Notify in riverine situations, adjacent communities and the Tennessee Department of Economic and Community Development prior to any alteration or relocation of a watercourse, and submit copies to such notifications to the Federal Emergency Management Agency.
 - ii. For any altered or relocated watercourse, submit

engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

- f. Notify, in writing, applicants for variance within F-H (Flood Hazard) Districts that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance and that such construction below the base flood level increases risks to life and property.
- g. Review of all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- h. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with the permit procedures outlined in this Chapter.
- i. 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) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
- j. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Resolution.

Within unnumbered 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 or flood-proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 1002 of this Resolution). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in the permit procedures outlined in this Chapter.

- k All records pertaining to the provisions of this Resolution shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

1005 Provisions for Flood Hazard Reduction

A. General Standards

In all flood prone areas the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with material and utility equipment resistant to flood damage.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
4. Any mobile/manufactured home proposed to be located in an area subject to flood, existing mobile/manufactured home parks included, shall be subject to the following specific requirements:
 - a. All mobile/manufactured homes shall be elevated and anchored to resist flotation, collapse, and lateral movement by methods of anchoring that may include, but are not limited to, providing over-the-top and frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 - b. Over-the-top ties shall be provided at each of the four corners of the mobile/manufactured home, with two additional ties per side at intermediate locations on mobile/manufactured homes 50 feet or greater in length (a total of eight ties are required); and, one additional tie per side on mobile/manufactured homes less than 50 feet in length (a total of six ties are required).
 - c. Frame ties shall be provided at each of the four corners of the mobile/manufactured home, with five additional ties per side at intermediate locations on mobile/manufactured homes 50 feet or greater in length (a total of 14 ties are required), and four additional ties per side on mobile/manufactured homes less than 50 feet in length (a total of 12 ties are required).

- d. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - e. Any additions to the mobile/manufactured home shall be similarly anchored.
5. For new mobile/manufactured home parks, for expansions to existing mobile/manufactured home parks, and for existing mobile/manufactured home parks where the repair, reconstruction or improvements of the streets, utilities, and pads equals or exceeds 50% of their value before repair, reconstruction or improvement has commenced, the following regulations shall apply:
- a. Pads shall be elevated on compacted fill or pilings so that the lowest floor of the mobile/manufactured home will be three (3) feet above the BFE (in AE zones) or HAG (in approximate A zones).
 - b. Adequate surface drainage and access for a hauler shall be provided.
 - c. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above ground level.
 - d. 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. All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into system.
7. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into 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. Permits shall be required for all proposed construction and other developments including the placement of mobile/manufactured homes.
10. Review proposed development to assure that all necessary permits have been received from the government agencies for which approval is required by Federal and State law, including section 404

of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

11. All manufactured homes to be placed or substantially improved within Zones A and AE on Sumner County's FIRM must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least three (3) feet above the base flood elevation or three (3) feet above the highest adjacent grade (in approximate A zones); and be securely anchored to an adequately anchored foundation system in accordance with the provisions of FEMA.
12. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution; and,
13. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced.
14. All new construction and substantial improvement proposals shall include 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.
15. All subdivision proposals and other proposed new development proposals shall meet the standards of this Resolution.
16. 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
17. 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 above, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including

basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in this Chapter). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood-proofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood-proofed to no lower than three (3) feet above the highest adjacent grade (as defined in this Chapter). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Non-Residential buildings located in all A Zones may be flood-proofed, 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 the permitting procedures outlined in this Chapter.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the specific standards for structures established in this Chapter.

4. Mechanical and Utility Equipment.

Electrical, heating, ventilation, plumbing and 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.

5. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing

manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - i. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - ii. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in this Chapter.)
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of this Section.
- 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:
 - i. Be on the site for fewer than 180 consecutive days;
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - iii. The recreational vehicle must meet all the requirements for new construction.

6. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

7. (FW) Floodway Provisions

Located within the Special Flood Hazard Areas established in this Chapter, 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:

- a. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for Sumner County, Tennessee and certification, thereof.
- b. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of this Section.

- c. General Requirements for (FW) Floodway District.
 - i. No structure (temporary or permanent), fill (including fill for roads and levies), culverts, bridges, storage equipment or materials, or other use shall be permitted unless 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, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
 - ii. Any building or structure in existence prior to the effective date of these flood prevention requirements that is hereafter damaged less than 50% of its replacement value may be reconstructed and used as before only if the following requirements are met:
 - a) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.
 - b) The structure may be reconstructed only if the lowest floor (including basement) is at least equal to or above the base floor (100-year flood) elevation.
 - c) The level of the 100-year flood shall not be increased above that demonstrated in the Flood Insurance Study for Sumner County by the reconstruction.
 - iii. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of this Chapter.
- 8. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in this Chapter, where streams exist with base flood data provided but

where no floodways have been designated, (Zones AE) the following provisions apply:

- a. No encroachments, including fill material, new structures and substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- b. New construction and substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this Section.

9. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard, where streams exist, but no base flood data has been provided (A Zones), AND where a Floodway has not been delineated, the following provisions shall apply:

- a. All General and Specific Standards outlined in this Chapter shall be required;
- b. 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 in accordance with the standards set forth herein;
- c. The Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or any other source, in order to administer the provisions of this Resolution. When such data is utilized, permit procedures of this Chapter shall apply. The Floodplain Administrator shall:
 - i. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,
 - ii. Obtain, if the structure has been flood-proofed in

accordance with the requirements this Chapter, the elevation in relation to the mean sea level to which the structure has been flood-proofed, and

- iii. Maintain a record of all such information.
- d. Notify, in riverine situations, 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 copies of such notifications to FEMA.
- e. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- f. 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 and local anchoring requirements for resisting wind forces.
- g. ONLY if base flood elevation and floodway data is not available from any sources, the following provisions shall apply:
 - i. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a 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 (1) foot at any point within the County. The engineering certification should be supported by technical data that conforms to the standard hydraulic engineering principles.
 - ii. New construction and substantial improvements shall have the lowest floor (including basement) elevated to no less than three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards in Chapter 10 of the Resolution.

10. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in this Chapter, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards in this Chapter, and "Elevated Buildings".
- b. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1) foot above the specified FIRM flood level, 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, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Resolution and shall provide such certification to the Administrator as set forth above and as required in this Chapter.
- c. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
- d. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

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

Located within the areas of special flood hazard established in this Chapter 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 this Chapter shall apply.

12. Standards for Unmapped Streams

Located within Sumner County, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

- a. No encroachments including fill material or other development including structure shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee-registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than (1) foot at any point within the locality.
- b. When new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with this Chapter.

1006 Variance Procedures

The provisions of this section shall apply exclusively to areas of special flood hazard within the Sumner County Planning Region. In the case of a request for a variance the following shall apply:

A. Board of Zoning Appeals

1. The Sumner County Board of Zoning Appeals shall hear and decide all appeals and requests for variances from the requirements of this Chapter as set forth in Chapter 14 of this Resolution.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Resolution to preserve the historic character and design of the structure.

3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the use to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - i. Upon consideration of the factors listed above, and the purposes of this Resolution, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Resolution.
 - ii. 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 in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium as high as \$25 for \$100 coverage rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

- C. The County Floodplain Administrator shall maintain a record of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

CHAPTER 11

SUPPLEMENTARY DISTRICT REGULATIONS

Sections:

1101 Regulations Applicable to All Districts

- A. Visibility at Intersections
- B. Fences, Walls, and Hedges
- C. Permitted Obstructions in Required Yards
- D. Accessory Buildings
- E. Principal Buildings Limitations
- F. Subdivision or Reduction of Zone Lot
- G. Exception to Height Regulations
- H. Structures to have Access
- I. Rear Yard Abutting a Public Street
- J. Corner Lots
- K. Setbacks for Nonconforming Lots That Do Not Meet the Minimum Lot Size for the Subject Zoning District
- L. Future Street Lines
- M. Special Provisions for the Continuance and Extension of Public Streets and Utilities through Development Sites Remaining in Single Ownership
- N. Temporary Use Permits
- O. Requirements for Home-Based Businesses
- P. Outdoor Parking and Storage of Major Recreation Equipment
- Q. Temporary Portable Structure Regulations
- R. Accessory Dwelling Units (ADUs)
- S. Agricultural Use of Land
- T. Traffic Impact Study Requirements
- U. Property Maintenance

- 1102 Off-Street Parking and Loading Requirements.
- 1103 Use Specific Standards
- 1104 Landscaping, Screening and Buffering
- 1105 Wireless Telecommunications Towers and Antennas
- 1106 Access Management (State Route 109)
- 1107 Performance Standards

1101 Regulations Applicable to All Districts

- A. Visibility at Intersections

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to be grown in such a manner to impede the vision triangle as defined in Appendix A, of this Resolution.

B. Fences, Walls, and Hedges

Notwithstanding other provisions of this Resolution, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard except as prohibited in this section that would impede visibility at intersections.

1. In any residential district, no fence or wall shall exceed eight (8) feet in height in side and rear yards. Fences in front yards may be eight (8) feet in height provided that fences within the required front yard (i.e. front setback) be of transparent construction (i.e. split rail, picket, chain link, etc.). Tennis court fencing shall not exceed twelve (12) feet, and baseball backstops shall not exceed sixteen (16) feet.

In commercial or industrial districts, no fence or wall shall exceed fifteen (15) feet in height. Between the principal building and the street right-of-way, no fence or wall shall exceed six (6) feet in height.

The height of such fences and walls shall be measured from the finished grade to top of the individual sections. The finished grade shall not include measurements from the top of a berm.

2. Fences and walls shall be erected outside of the right-of-way or any public or private road or manner of ingress/egress junction with said roadways, except erected by a government agency. All fence posts/supports shall be set into the ground a minimum depth of two (2) feet. If conditions on the property (e.g. rock) make it difficult to comply with this requirement, alternative measures may be utilized after consultation with the Department of Building and Codes. In any event, adequate measures shall be employed in order to ensure the long-term stability of the fence.
3. Permitted fences. The following types of fences are permitted in all zoning districts:
 - a. Masonry or stone walls
 - b. Ornamental iron
 - c. Chain-link
 - d. Wood or Vinyl
 - e. Other materials may be considered on a case by case basis
4. Prohibited Fences. The following types of fences are prohibited:
 - a. Fences constructed primarily or topped with barbed wire or razor wire, or deployed, raised, arranged or expanded in concertina form, except when used in conjunction with an agricultural use or purpose, non-residentially zoned property

- or uses, and/or serving a public institution for public safety or special services.
- b. Fences carrying electrical current, except for the purpose of enclosing livestock for an agricultural use
 - c. Fences constructed of readily flammable materials such as paper, cloth or canvas except for temporary fences required by law (e.g. drainage silt fencing)
 - d. Fences or walls made of solid plywood, scrap lumber and insubstantial similar non-customary materials
 - e. Fences or walls made of common concrete or cinderblock, unless finished with a masonry material.
 - f. Fences, wall or hedges on any portion of any public right-of-way, except those erected by a governmental agency
5. Fences shall be positioned so that all the support wood, posts, cross members, etc. will not be facing the street.
 6. Five (5) feet of clearance shall be maintained between any fence and all sides of an electrical transformer, except the side of the transformer that is padlocked shall have a ten (10) foot clearance.
 7. Five (5) feet of clearance shall be maintained between any fence and all sides of an electrical pedestal.
 8. Maintenance. It is the responsibility of the owner of the property on which the fence is erected to maintain the fence structure in good repair at all times. If a fence is found to be in a deteriorated condition or in need of repair, including but not limited to broken or missing structural components, or the fence is substantially less than perpendicular to the grade, the property owner may be ordered to repair, replace or remove the fence depending on the condition of the fence. Such order shall be issued by the Director of Building and Codes pursuant to this Resolution.
 9. Fences, walls or vegetation that interfere with clear vision (i.e. Vision Triangle, as defined by this Resolution) at or near a public or private street, alley, driveway or other means of ingress or egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such ingress or egress are prohibited.
 10. Except where required by law as part of an approved stormwater management plan, fences, walls or vegetation so constructed or planted as to impede the natural water drainage and/or water runoff are prohibited, and may be prosecuted under provisions of this resolution and the Sumner County Stormwater Management Resolution.

11. Fences and walls shall not be permitted in utility easements unless approved by the utility provider in writing. Fences and walls shall not be permitted in drainage easements without the written consent of the County Engineer.
12. Fences shall be required around swimming pools and spas in accordance with any and all barrier requirements contained in the International Swimming Pool and Spa Code as may be amended from time to time.

C. Permitted Obstructions in 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
 - o. Uncovered ramps for the persons with disabilities provided they do not violate any other provision of this Resolution.
2. In any rear or side yard and located behind the principal structure:
- a. Clothes poles or clotheslines
 - b. Recreation equipment
 - c. Garages and storage buildings provided that a five (5) foot setback from the property line is observed.
 - d. Open and uncovered decks projecting into the required rear yard to a maximum of within ten (10) feet of the rear lotline.
 - e. Swimming pools provided that a five (5) foot setback from the property line is observed

D. Accessory Buildings

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. 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.

E. Principal Buildings Limitations

In all residential districts, not more than one (1) principal building shall be erected on any lot. This provision shall not apply to Community Facility Activities or multi-family developments approved as a part of a site plan or developments approved within the mobile home community district.

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.

F. Subdivision or Reduction of Zone Lot

In all districts, after any portion of a zone lot has been developed under the provisions of this section, such zone lot may be subdivided into smaller zone lots only if each resulting zone lot and building or buildings thereon comply with all of the appropriate regulations pertaining to bulk, yards, open space, and parking and loading requirements of the district in which they are located.

No zone lot shall be reduced in area so that yards, lot area per dwelling unit, lot width, building area, or other requirements of this Resolution are not met. This section shall not apply when a portion of a lot is acquired for a public purpose. Under no circumstances shall a non-buildable lot or area be created or designated on a plat or other plan, except as common open space under the ownership of a Homeowner's Association.

G. Exception to Height Regulations

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. The height requirements for wireless communication towers are addressed in a later section of this Chapter.

H. Structures to have Access

No building shall be erected on a lot or other tract of land that does not abut at least one public street for at least fifty (50) feet except for properties abutting a cul-de-sac, which shall abut the street for at least thirty (30) feet.

This section does not apply to properties over 5 acres whose access is provided by a private easement. However, when a permanent easement to a public street is used as access to a lot or tract of land that is separated by deed or plat from other property, such easement shall be consistent with the Sumner County Subdivision Regulations, and may not be less than fifty feet wide or thirty (30) feet wide if accessing cul-de-sac. Such easements shall not be used to provide access to more than one lot of tract of land having been separated by deed from another property. It shall be incumbent upon the party seeking a building permit to prove that adequate road access in the form of an easement or physical road frontage is contained within the applicable deed for the subject property.

This section does not prohibit the development of buildings on lots or tracts with permanent access provided by private streets. The private streets and other improvements shall be approved by the Sumner County Regional Planning Commission as part of a Planned Unit Development and shall be in private ownership and control in perpetuity. All private streets shall meet the requirements of the County Subdivision Regulations for construction of public streets.

I. Double-Frontage Lots

If a double-frontage lot has no vehicular access to a street frontage, as established by a subdivision plat recorded with the Sumner County Register of Deeds, then that yard adjacent to the street affording no access shall be considered a rear yard.

J. Corner Lots

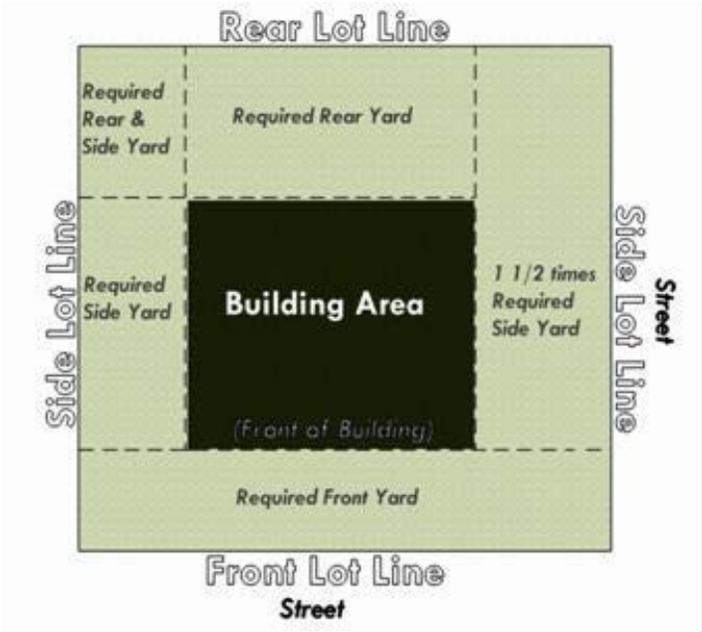
In all Districts, the minimum widths of side yards along intersecting streets shall be fifty (50) percent greater than the minimum side yard requirements. Accessory buildings shall also comply with this setback from an intersecting street.

K. Setbacks for Nonconforming Lots That Do Not Meet the Minimum Lot Size for

the Subject Zoning District

The minimum setbacks for a lot that does not meet the lot size requirements for the zoning district in which it is located shall meet one of the following:

- 1. For lots that have been platted in accordance with the Sumner County Subdivision Regulations, the setbacks shall be governed by that noted on the subdivision plat; or
- 2. For lots that have not been platted in accordance with the Sumner County Subdivision Regulations, or in which setbacks are not shown on the plat, the setbacks in place at the time the lot was created shall govern; or
- 3. For lots created prior to zoning regulations being enacted in Sumner County, the setbacks shall meet one of the following:
 - a. For lots of less than 40,000 square feet in size, the setbacks shall be the same as for Subdivisions located within the Suburban Residential District; or
 - b. For lots that are 40,000 square feet or greater in size, the setbacks shall be the same as for Subdivisions located within the Rural Residential District.



L. Future Street Lines

For the purpose of providing adequate space for the future widening of streets, newly developing properties will be required to dedicate right-of-way along the frontage of their properties consistent with the Major Thoroughfare Plan for Sumner County. Any required road improvements must either be constructed or bonded in accordance with the County Subdivision Regulations. Required setbacks or front yards shall be determined by the rights-of-ways as shown in the Major Thoroughfare Plan for Sumner County.

M. Special Provisions for the Continuance and Extension of Public Streets and Utilities through Development Sites Remaining in Single Ownership

1. Purpose

It is held to be in the public interest to protect the health, safety, and welfare of residents of developments, which by reason of ownership or method of development places numerous dwellings on a single parcel of ground in which the ownership remains undivided, and the general public by providing for the orderly continuance of street patterns and the extension of utilities service, drainage ways, etc., through such developments. It is the purpose and intent of these provisions to protect that interest by enabling the extension of these facilities by the dedication of easements, rights-of-way, etc., through such sites.

2. Requirement for Site Plan and Plat

Within such developments as described above the following shall apply:

- a. A site plan meeting the provisions of Chapter 14 shall be submitted and approved.
- b. In any instance where a portion of the site or any facilities or utilities located on the site are to be dedicated for public use, a final plat meeting the requirements of the Sumner County Subdivision Regulations shall be prepared, submitted for approval, and upon approval, recorded with the County Register of Deeds.

N. Temporary Use Permits

The following regulations shall govern the operation of certain necessary or seasonal uses, which are nonpermanent in nature and not accessory to the principal established use. Application for a temporary use permit shall be made to the Board of Zoning Appeals as a Special Exception through the Planning Office, unless otherwise provided in this section. Said application shall contain a graphic description of the property to be utilized and a concept plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, signage and parking space for the proposed temporary use. Area and bulk regulations of the district in which the use is proposed to be located shall apply. The Board may require additional standards to protect the public safety and to reduce any actual or potential adverse off-site impacts.

The Board may grant such temporary use permits for the following uses subject to a public hearing, the specific regulations and time limits below, and any other limitation that may be necessary to protect adjoining property, unless otherwise

provided for in this section.

Any similar type activity to those listed below as determined by the Planning Director may obtain a temporary permit subject to the time restraints and conditions necessary to carry out the intent of this Resolution.

Renewals/Administrative Issuance

Renewals of Special Exceptions for Sales of Food or Merchandise, Seasonal Attractions, and Fireworks Sales Tents may be administratively issued by the Planning Director if certain standards are met. In the event the Planning Director has doubts regarding the compatibility of these uses with adjoining land uses, the Planning Director shall deny approval. Applicants who do not meet the standards listed in this section or whose Special Exception applications have been denied by the Planning Director may apply to the Board of Zoning Appeals as provided in Chapter 14 of this Resolution. The standards to be met for administrative issuance are as follows:

- Sales of Food or Merchandise, Seasonal Attractions, and Fireworks Sales Tents shall have obtained a Special Exception from the Board of Zoning Appeals or the Planning Director (i.e. previous renewal) within the twelve (12) month period immediately preceding the current application. Any variances previously granted to these applications during this time frame shall be applicable to the administrative approval as well, provided that the Planning Director determines that the variances have had no detrimental impacts. In addition:
 - The current application for a Special Exception shall have the same applicant name as the previously-granted Special Exception.
 - The current application for a Special Exception shall be for the same property (Tax Map, Group, and Parcel) as the previously granted Special Exception. The tent, sales yard, or other facility shall be placed in the same location on the property as indicated on the previously-granted Special Exception. In addition, the applicant for administrative issuance of a Sales of Food or Merchandise, Seasonal Attractions, or Fireworks Sales Tents must demonstrate compliance with all applicable standards in this Resolution.
 - The zoning district and bulk regulations for the location in the current application for a Special Exception shall be the same as the zoning district and bulk regulations for the previously-

granted Special Exception.

- The length, width, and height dimensions of the tent, sales yard or other facility in the current application for a Special Exception shall be the same as the length, width, and height dimensions of the tent, sales yard or other facility in the previously-granted Special Exception.
- Sales of Food or Merchandise, Seasonal Attractions, and Fireworks Sales Tents shall not have been issued a citation, written warning, or fine by any law enforcement agency within the twelve (12) month period immediately preceding the current application. The applicant shall attest in writing that no such actions have been taken by any law enforcement agency.
- Sales of Food or Merchandise, Seasonal Attractions, and Fireworks Sales Tents and the property on which they are located on shall not have been issued a citation, written warning, or fine by any County, Regional, State or Federal department or agency for any violation of any zoning, building, fire or property maintenance code or regulation within the twelve (12) month period immediately preceding the current application. The applicant shall attest in writing that no such actions have been taken by any governmental department or agency.

1. Carnival, Circus or Fair

- a. A temporary use permit may be issued in the CG District; however, such permit shall be issued for a period of no longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected.
- b. A temporary use permit may be issued in any commercial district for children's rides and events provided that adequate parking and traffic circulation is available, any existing business operations will not be disrupted and subject to a maximum time period of seven (7) days.

2. Sales of Foods or Merchandise

A temporary use permit may be issued for outdoor displays and sales conducted either as a part of an existing business or as a free-standing use in any district provided that such sales and displays shall be limited to a maximum time limit as established by the Board of Zoning Appeals of six (6) months per year, and provided further, that adequate parking as defined in this Resolution and traffic circulation is available and any existing business operations will not

be disrupted. (Sales of food or merchandise allowed by right in the AR district do not require a temporary use permit.)

3. Outdoor Performances

a. A temporary use permit may be issued for outdoor plays or musical performances in any commercial or industrial district as a part of an existing business or as a free-standing use provided that adequate parking and traffic circulation is available and any existing business operations will not be disrupted, and provided further, that in the event amplified sound systems are used, such sound shall not be a public nuisance nor be conducted later than 10:00 PM.

b. A temporary use permit may be issued for outdoor plays or musical performances in any residential or institutional district provided that any traffic generated by the temporary use shall not use minor residential or neighborhood streets and can be accommodated on arterial or collector streets, and provided further, that in the event amplified sound systems are used, such sound shall not be a public nuisance nor be conducted later than 10:00 PM. Such permits shall be limited to two (2) days. The Board of Zoning Appeals may consider requests for extensions.

4. Seasonal Attractions

A temporary use permit for various seasonal attractions (corn mazes, haunted houses, Christmas tree sales, pumpkin patches, etc.) may be issued in any district for a period of no longer than forty-five (45) days. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. Seasonal Attractions allowed by right in the AR district do not require a temporary use permit; however, in all districts, applicable building and State Fire Marshal requirements must be met.

5. Fireworks Sales Tents

A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January 1st. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. The following shall apply:

a. All stands and tents must comply with all state and local codes prior to issuing a temporary use permit.

b. All stands and tents must set back a minimum of forty (40) feet from the front property line.

6. Community Events and Tent Assemblies
A temporary use permit for varied community and tent assembly events may be issued in any district for a period no longer than forty-five (45) days. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected.
7. Borrow Pits
A temporary use permit for borrow pits as defined may be issued in any district. The following provisions apply to any borrow pit not otherwise regulated by Title 59 of the Tennessee Code Annotated:
 - a. A boundary survey of the subject property, together with the proposed location of the limits of excavation shall be submitted at the time of application.
 - b. Borrow pits shall be set back a minimum of 50 feet from all property lines and 150 feet from any residential propertyline.
 - c. Borrow pits shall not occupy or cover more than 25 percent of any lot area where the lot is under 10 acres. Borrow pits on property where the lot area is 10 acres or larger may not occupy or cover more than 10 percent of any lot area or 2.5 acres, whichever is greater.
 - d. All requirements of the County Stormwater Management Resolution must be met. A drainage and erosion control plan must be submitted and approved by the County Engineer upon consultation with the County Road Superintendent prior to commencement of excavation activities.
 - e. A road bond for an amount to be determined by the County Engineer and County Road Superintendent along with a maintenance plan for the road shall be submitted prior to the commencement of extraction activities.
 - f. A reclamation plan shall be submitted to and approved by the County Engineer prior to commencement of excavation activities.
 - g. Prior to excavation, the owner and/or operator must obtain all federal, state and local permits, including but not limited to a Land Disturbance Permit required by the Sumner County Storm Water Management Regulations.
 - h. Unless otherwise specified in the temporary use permit, permits for a borrow pit shall be valid for six (6) months with a one time, three-month extension that may be approved by the Planning Director.

- i. No blasting in association with borrow pit operations shall take place on any property except between the following hours:
August 1 – May 31 – 8:00 AM to 5:00 PM
June 1 – July 31 – 7:00 AM to 6:00 PM
- j. Excavation (excluding blasting) and hauling of material is limited to the hours between sunrise and sunset.
- k. Dust control and erosion control measures shall be implemented on a continuing basis, for the duration of the activities permitted, to mitigate air pollution and prevent the deposit of mud, dust, and debris, on public roads.
- l. The owner and operator of the borrow pit shall be jointly responsible for compliance with the requirements of this Section. Required licenses shall be issued to the operator of the respective borrow pit. Owners of the land shall receive a copy of the required license issued to the operator.
- m. Within nine (9) months after completion of mineral extraction or after termination of the extraction/excavation permit, all equipment, vehicles, machinery, materials and debris shall be removed from the subject property.
- n. Within six (6) months after completion of mineral extraction or after termination of the permit, the restoration plan shall be completed by the property owner/operator and the extraction/excavation permit shall be void.
- o. Any material extraction that is for the sole purpose of approved agricultural activities where the extracted material will not be sold, traded, bartered, etc. to another party or person are exempt from these provisions.

O. Requirements for Home-Based Businesses

- 1. Any home-based business shall meet the following general requirements:
 - a. Home-based businesses must be conducted within a residential dwelling unit which is the bona fide residence of the principal practitioner or within an approved accessory building thereto which is normally associated with a residential use.
 - b. No home-based business shall be permitted that changes the outside appearance or character of the dwelling unit.

- c. No display of stock-in-trade products shall be visible from the street.
 - d. The equipment used by the home-based business and the operation of the home-based business shall not create any vibrations, heat, glare, dust, odors, noise, or smoke discernible at the property lines.
 - e. Home-based businesses shall not create any electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use and/or store hazardous materials in excess of quantities permitted in residential structures.
 - f. Delivery vehicles used to deliver goods to the home-based business are limited to passenger vehicles, mail carriers, and express carriers such as, but not limited to, UPS, FedEx or DHL.
2. Minor home-based businesses shall be permitted by right in any residential zoning district, including residential portions of approved planned developments. A permit shall be issued at the discretion of the Planning Director provided all requirements herein are met or may be forwarded to the Board of Zoning Appeals for consideration of a Special Exception.

In addition to the general provisions for home-based businesses, minor home-based businesses shall conform to the following provisions:

- a. Minor home-based businesses shall have no more than one (1) nonresident employee on the premises at any one time. The number of nonresident employees working at locations other than the home-based business is not limited.
- b. Minor home-based businesses shall not use more than 25 percent of the gross floor area of the principal structure. Minor home-based businesses conducted entirely within an approved accessory structure shall not use more than 500 square feet of the accessory structure.
- c. Minor home-based businesses shall be limited to the parking/storage of one (1) business vehicle on the premises. Vehicles shall not be stored/parked in the front yard. For the purposes of this section, front yard shall be defined as the area from the front line of the dwelling unit to the property line. Vehicles with more than three (3) axles shall not be permitted on lots of less than two (2) acres.

- d. Minor home-based businesses are not required to provide any additional parking beyond what is required for the residential use.
- e. Minor home-based businesses shall not create more than two (2) customer/client visits in any one day and no more than one (1) customer/client vehicle can be present at any one time.
- f. The following activities shall not be approved as minor home-based businesses:
 - Automobile/vehicle repair
 - Kennels, veterinarian clinics/hospitals
 - Medical and dental clinics/hospitals
 - Restaurants, clubs, drinking establishments
 - Undertaking and funeral parlors
 - Retail sales as defined in Appendix A, not including goods made on the premises
 - Adult Entertainment, as defined in Appendix A

It is recognized that this list may not be totally inclusive. The Planning Director shall be empowered to make the determination of whether an unlisted business is similar to a listed prohibited use and issue or deny a minor home-based business permit.

- g. Outdoor storage of any material used in connection with the home-based business, with the exception of one (1) business vehicle, is not permitted.
- h. Signage is not permitted.

3. Major home-based businesses shall be permitted only with the approval of a Special Exception by the Board of Zoning Appeals. Standards for a home-based business special exceptions are found in Chapter 14.

P. Outdoor Parking and Storage of Major Recreation Equipment

1. Outdoor storage of no more than one watercraft and trailer for such watercraft; two all-terrain vehicles and trailer for such all-terrain vehicles; one utility trailer; and no more than one camping trailer or recreational vehicle shall be allowed per dwelling unit. Parking of recreational vehicles, watercrafts or trailers may be allowed in the front yard on a hard, dustless surface (i.e. driveway, parking area). All other vehicles or trailers must be stored so that they cannot be seen from any property line.
2. Inoperable, dismantled or unregistered recreational vehicles, water

crafts, all-terrain vehicles or trailers are not allowed in residential zoning districts.

3. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot unless in accordance with Temporary Portable Structure Regulations, contained in this Chapter.

Q. 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 pervisit.
 - 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.

R. Accessory Dwelling Units (ADUs)

ADUs are permitted in any residential zoning district in connection with any lawfully existing single family dwelling. There are two (2) categories of ADUs: By-right and ADU's requiring Special Exception Permits.

1. General Provisions for ADUs

Applications for an ADU must meet certain conditions. In no case, shall an Application for an ADU request an amendment to the following requirements, and none shall be granted by County Staff or the Board of Zoning Appeals.

- a. The property owner must reside in either the principal structure or the ADU.
- b. Only one ADU is allowed per lot in conjunction with a single family house. ADUs are not allowed in conjunction with duplex or multi-family dwelling units.
- c. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein. Such instrument shall be presented to the County prior to the issuance of a building permit for an ADU.
- d. Adequate Facilities Tax and all other relevant development fees will be required for the ADU.
- e. Off-street parking, in addition to the off-street parking required for the single- family residence as required in Appendix D, shall be required for the ADU.
- f. Prior to the issuance of a zoning or building permit, a plot plan prepared by a professional surveyor must be submitted for the lot under consideration.
- g. Prior to the issuance of a zoning or building permit, a floor plan and/or architectural renderings must be submitted showing the proposed interior and exterior of the ADU.
- h. Verification from the state of Tennessee Department of Environment/Division of Ground Water Protection that the individual on-site wastewater treatment or septic system has the capacity to serve the ADU. Also, verification that the ADU can adequately be served by water and electric service providers must be provided.
- i. Only one minor or major home based business may be

conducted on a lot that contains an ADU. The business may be located in either the principal structure or the ADU.

2 Design and Occupancy Standards

- a. The second unit must be occupied by family members as defined in Appendix A of this Resolution, or the invited guests of the occupant(s) of the primary structure, and may not be used as a rental or leased unit.
- b. Any new separate outside entrance serving the ADU shall not be visible from the right-of-way.
- c. An ADU shall be designed to maintain the architectural design, style, appearance and character of the principal residence. The ADU must be consistent with or visually match the existing façade, roof pitch, siding and windows of the primary residence.
- d. A separate driveway providing exclusive access to the ADU from a road shall not be allowed unless problematic lot-specific circumstances (e.g. topography, significant existing structures or improvements) necessitate separate driveway access as determined by the Planning Director.

3 Particular Standards for By-right ADUs

- a. Attached
 - i. ADUs attached to the single-family dwelling are limited to an area totaling less than twenty-five (25) percent of the gross floor area, excluding garage and utility space, of the principal structure or 300 square feet, whichever is greater.
 - ii. Must maintain the setback requirements of the underlying zoning district for principal structures.
 - iii. 40,000 square feet of land area is required if utilizing a septic system.
- b. Detached
 - i. Detached ADUs shall be considered attached for the purposes of setbacks if the accessory structure is within five feet (5') of the principal structure. Otherwise, detached ADUs must meet setback requirements of the underlying zoning district for principal structures.
 - ii. Detached ADUs may be established within an existing, legally established accessory structure which meets

the current adopted building code for residential structures in Sumner County.

- iii. The size of the dwelling unit will be subject to the square footage limitations for accessory structures listed in the table found in this Chapter and such unit shall in no case exceed the size of the principal structure. An ADU must however, provide the minimum area requirement of 300 square feet.
 - iv. 20,000 square feet of land area is required if connected to public sewer. 40,000 square feet of land area is required if utilizing a septic system.
- c. Agricultural employee housing shall only be required to comply with all standards of this section deemed applicable by the County.

4. ADUs Requiring a Special Exception.

a. Special Exception Required.

Applications for an ADU requiring a Special Exception from the Board of Zoning Appeals are listed as follows:

- i. The Design and Occupancy Standards and Particular Standards for By-Right ADUs contained in this Chapter cannot be met.
 - ii. Applications for an ADU involving a mobile home.
- b. The Board of Zoning Appeals may impose additional standards or use conditions beyond those enumerated above related to screening and buffering if deemed necessary by the Board.

5. Existing ADUs

Legally created accessory dwelling units established prior to the enactment of these regulations may continue to exist and will be regulated by the conditions under which they were approved.

6. Abandonment of an ADU

A property owner may choose to abandon an ADU by meeting the following criteria:

- a. If attached to the principal residence, then access must be established between the housekeeping units without going outdoors.

- b. The kitchen facility must be removed from the ADU so that it is no longer a self-sufficient unit.
- c. Inspections from the Department of Building and Codes will be required to ensure that all regulations are followed.
- d. An instrument must be recorded in the register's office stating that the ADU no longer exists.

S. Agricultural Use of the Land

For any land that was used for agricultural purposes as of the date of the adoption of this Resolution, zoning regulations may not be used to interfere in any way with the use of such land for agricultural purposes as long as the land is used for agricultural purposes. (TCA § 13-7-114). Within all districts, meeting criteria to be classified as "Agricultural Land" as defined by the within the Tennessee Comptroller of the Treasury's Greenbelt Manual and by this resolution, all barns, sheds, silos or other buildings used exclusively for agricultural purposes are exempt from the bulk or yard requirements, and no building permit is required.

T. Traffic Impact Study Requirements

- 1. Purpose

The purpose of a traffic impact study is to determine the need for any improvements to the adjacent and nearby transportation system in order to maintain a satisfactory level of service, an acceptable level of safety, and to provide appropriate access to a proposed development.
- 2. When a Traffic Impact Study is Required

A traffic impact study to assess the transportation impacts of a zoning amendment application, special exception application, subdivision application, or site plan application shall be required when:

 - a. The expected number of trips generated by the proposed development exceeds 100 peak hour vehicle trips per day as defined by the Institute of Transportation Engineers (ITE) Trip Generation informational report or by a trip generation study of comparable land uses prepared by a qualified and experienced transportation professional.
 - b. A zoning or land use change is requested that will result in a more intensive trip generating use that exceeds 100 peak hour vehicle trips per day as defined above.
 - c. The County Engineer or Planning Director has specific concerns about adjacent or nearby roadways and intersections, site access, and/or safety issues.

The applicant shall prepare trip generation information for any proposed project. This information will be reviewed by County staff to determine if a traffic impact study will be required. Trip generation information should be discussed with County staff early in the development process and prior to the actual submission of an application.

When required, two (2) copies of completed traffic impact studies shall be submitted for review as part of the zoning amendment application, special exception application, subdivision application, or site plan application.

3. Traffic Impact Study Preparation

The traffic impact study shall be prepared by a registered Professional Engineer (P.E.) in good standing with the State of Tennessee and with specific training and experience in traffic engineering. The cover page shall be stamped and signed by the licensed engineer responsible for all of the work presented in the study.

4. Traffic Impact Study Scope

Before beginning a traffic impact study, it is critical that the study preparer meet with the County Engineer or an authorized representative to determine the scope of the study. At a minimum, the following items should be reviewed as part of the determination of the scope of the traffic study:

- a. Study methodologies and assumptions
- b. The study area limits
- c. The horizon year(s) to be analyzed
- d. The time periods to be analyzed
- e. Specifically noted County staff recommendations
- f. Noted neighborhood sensitivities
- g. Other approved developments in progress in the study area
- h. Planned roadway improvements within the study area

The study preparer will prepare a summary of the meeting or discussion of the traffic impact study scope. The summary will be submitted to the Planning Department for approval prior to initiating the traffic impact study.

5. Traffic Impact Study Contents

A traffic impact study should include the following components:

- a. **Executive Summary**
The executive summary will include a description of the study area and proposed development/project, a summary of the primary findings of the study, and identification of conclusions, recommendations, and mitigation measures for the project.
- b. **Introduction**
The introduction will include the purpose and objectives of the study and a general description of the project proposal and location. The process and methodology used within the study should be summarized in this section.
- c. **Project description**
The project description will include information about the proposed project's location as well as information related to the current zoning or existing development on site and any proposed rezoning or site modifications that will be necessary to complete the project. The schedule for project completion or information about development and construction phases should be specified in this section.
- d. **Existing conditions**
The existing conditions section will include information related to the land uses and transportation system within the study area limits. The land use summary will describe the different uses and zoning that surround the project and any other uses that are present within the study area limits. Information related to the transportation system will include a description of the existing roadways and plans for any roadway improvements, presentation of existing traffic volumes in the study area limits, and discussion of any other applicable components such as transit services and pedestrian or bicycle facilities.
- e. **Background traffic conditions**
Background traffic will consist of two specific components. A growth rate based upon historical traffic count information from ADT counts within the vicinity of the study area will be used to adjust existing traffic volumes to account for population growth and general small-scale development. Traffic projections for approved projects that have not yet been constructed will be included in the background traffic forecast. The approved but not yet constructed projects will be identified by the County staff. Background traffic volumes within the study area limits will be presented within the traffic impact study.

- f. **Project trip generation**

Trips generated by the proposed project will be determined using data listed in the latest edition of the ITE Trip Generation informational report. Trip generation will be presented in a table that shows the results for each land use and each phase of the proposed project. If the trip generation for the proposed project will be adjusted for internal trips or pass-by/diverted link trips, the assumption and results of trip generation adjustments will be identified as part of the project trip generation. A specific trip generation study can be conducted and its results used in place of the ITE data if the traffic study preparer or County Engineer believes that the ITE Trip Generational informational report does not contain adequate data for the proposed project.
- g. **Project trip distribution and assignment**

The trip generation if the proposed project will be distributed and assigned throughout the study area limits. The trip distribution will be logical and based upon existing traffic patterns, an approved land use or transportation plan model, population and employment data within the study area, and specific market analysis data for the proposed project. A combination of these sources may be used to develop the trip distribution that will be presented in the traffic study. The project trip generation should be applied to the project trip distribution to develop the traffic assignment for the proposed project. The traffic assignment, or site traffic, for the proposed project will be presented in the traffic impact study.
- h. **Future traffic conditions**

Future traffic conditions will consist of the existing traffic volumes, the background growth due to population growth and general small-scale development, and the site traffic based upon the project trip generation and distribution. Future traffic volumes within the study area limits will be presented within the traffic impact study.
- i. **Transportation analysis**

The analysis of existing, background, and future traffic conditions will include the following components. Analysis results will be presented in a tabular format.

 - i. **Capacity analysis**

Analysis of intersection operations will include determination of level of service (existing, background, and future conditions) and review of queue lengths. Queue lengths that exceed the provided storage capacity of a turn lane or that will block an adjacent

intersection should be noted in the traffic impact study. If applicable, roadway segment analysis will be conducted for locations within the study area as established at the scope determination meeting. Capacity analysis output reports will be included in the appendix of the traffic impact study.

- ii. Turn lane warrant analysis
Warrants for left and right turn lanes will be checked at site access locations and at other unsignalized intersections within the study area limits. For left turns, use M.D. Harmelink's Volume Warrants for Left-Turn Storage Lanes as Unsignalized Intersections methodology found in the TDOT Roadway Design Guidelines and in NCHRP Report 457 to determine if left turn lanes are needed. For right turns, use NCHRP Report 279 or NCHRP Report 457 to determine if right turn lanes are needed.
- iii. Traffic signal warrant analysis
Traffic signal warrants will be checked if a traffic signal is proposed for an intersection in the study area limits that will provide access to the project or as an off-site mitigating measure improvement. Signal warrant analysis will be performed using the volume-related signal warrants listed in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
- iv. Safety review
New driveways and roads (public and private) that will provide access to the project should have the intersection sight distance checked at all intersections with existing roadways. Address any sight distance issues based on the intersection sight distance and stopping sight distance criteria as described in the AASHTO book, A Policy on Geometric Design of Highways and Streets. If a documented, high crash location is in the study area, it will be evaluated when adequate information for analysis is readily available. Qualitative observations and future traffic condition impacts will be identified as part of the safety review for the study area.
- v. Site access, circulation, and parking review
The project site plan will be reviewed for items related to access, circulation, and parking will be identified. These items include driveway spacing, throat lengths, drive/aisle geometry, on-site parking, and access circulation for automobiles and trucks.

- j. **Conclusions and recommendations**
The conclusions and recommendations of the traffic impact study will include a summary of the existing conditions, background conditions, and future conditions. All proposed roadway and transportation improvements will be identified. Details such as turn lane storage lengths, taper lengths, design speeds, signal phasing requirements, new roadway design criteria, etc. will be specified. The schedule and funding source for any improvements that will be completed by the county, state, or other agency will be identified, if any. In the event no such improvements are identified, all recommended roadway and transportation improvements and their cost will be the responsibility of the developer. The timing for the completion of the recommendations will be included in the study and based on the proposed construction phasing for the project and the stage of development when the improvements are needed to maintain acceptable traffic operations.

6. **Minimum Level of Service Standards**

The following minimum levels of service will be provided as a policy goal for future traffic conditions. When background traffic analysis indicates levels of service below the minimum thresholds below, measures will be evaluated to improve traffic conditions to the pre-development level of operation.

- a. Signalized Intersections will maintain at least an overall level of service D. Individual turning movements will be maintained at level of service E or better.
- b. Unsignalized intersections will maintain level of service D or better for individual turning movements. For any unsignalized intersection with individual turning movements operating at a level of service E or F, measures to improve the traffic operations to LOS D or better will be evaluated. These measures may include the addition of turn lanes, a change to the type of intersection traffic control, or other appropriate improvements.
- c. Where applicable, roadway segment analysis will maintain level of service D. For roadway segments operating at level of service E or F, measures to improve the traffic operations to LOS D or better will be evaluated.

U. **Property Maintenance**

In all districts, properties shall adhere to guidelines established within the Regulations Governing the Health and Safety Standards of Residential and Nonresidential Properties adopted by the Sumner County Commission on

October 20, 2003, and amended January 28, 2008 as County Commission Resolution 0801-07. Such resolution and its policies and procedures as may be amended from time to time are hereby incorporated as part of this resolution.

1102 Off-Street Parking and Loading Requirements

The following regulations are adopted in order to provide needed space off the streets for parking or loading and unloading vehicles, to lessen congestion in the streets, to improve traffic safety, to provide for a higher standard of development, and thus, to promote and protect the public health, safety, and welfare.

The provisions of this section apply to all activities as set forth in this Resolution. The minimum parking requirement for each activity is presented in Appendix D, Off Street Parking Requirements.

A. General Provisions

In all districts, accessory off-street parking, open or enclosed, shall be provided in conformity with the requirements set forth in this section for all uses. In addition, all other applicable requirements of this section shall apply as a condition precedent to the use of such development.

A parking space is required for a portion of a unit of measure one-half or more of the amount set forth herein. For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measurement specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

The Planning Director shall determine the parking standards for uses not specifically listed in Appendix D, by one of the following methods.

1. Evaluate the proposed use based on the standards for the closest comparable use or by reference to standard parking resources published by the National Parking Association or the American Planning Association; or
2. The applicant may submit a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scales, bulk, area, type, or activity, and location.

B. Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one lot provided that the uses will not overlap in hours of operation or in demand for the shared spaces. Justification may include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the

anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

C. Off-Site Parking Requirements

Off-street parking space accessory to any permitted use may be located on a zone lot other than the same zone lot as such use to which the spaces are accessory, provided that:

1. Such spaces are not located within a residential or agricultural district unless the use is permitted or permitted upon appeal within such district; and
2. There is no way to arrange such spaces on the same zone lot as such use; and
3. Such spaces are located to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage; and
4. Such spaces are located no farther than 500 feet from the main entrance of the use being served by the off-site parking; and
5. Such spaces are in the same ownership as the use to which they are accessory and necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use or such spaces are covered by a lease agreement; and
6. A site plan meeting all requirements contained in Chapter 14 is approved by the Planning Commission.

D. Special Provisions for Handicapped Parking

The following provisions shall apply to all uses and structures for which handicapped parking spaces are required.

1. Number of Spaces Required

Total Spaces per Lot	Minimum No. of Handicapped Spaces	Van Accessible 96" with 96" access	Accessible Parking 96" with 60" access
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total		

2. Dimensions and Location of Spaces

Handicapped parking spaces shall be sized according to the above table and be located on the shortest accessible route of travel to an accessible entrance. An accessible route shall be provided from the accessible parking to the accessible entrance. Such route shall be a minimum of three (3) feet wide, have stable, slip resistant surface and shall have a slope no greater than 1:12.

3. Signage

All handicapped parking places shall have signage meeting ADA requirements.

E. Off Street Parking Lot Design Standards

1. Design Objectives

Parking areas shall be designed with careful regard given to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of the overall site design. All parking areas shall be landscaped in accordance with the requirements contained in this Chapter.

For reasons of use and appearance, it is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in level between such terraces should be formed by retaining walls or landscaped banks.

2. Submission of Site Plan

Any application for a building permit, or for a special exception where no building permit is necessary, that requires three (3) or more accessory off street parking spaces to be provided on a zone lot, shall include a site plan, drawn to meet the requirements of Chapter 14.

3. Access Regulations

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

a. Minimum distance from an adjoining interior lot line and a driveway opening at the street right-of-way line:

Nonresidential and multifamily uses: To be determined during site plan review

Single-family and duplexes – Two (2) feet

b. Minimum distance from the intersection of street right of way lines on a corner lot and a driveway opening at the right of

way line:

Residential uses: 30 feet

Nonresidential and multifamily uses: At the discretion of the County Engineer

- c. Drainage. All driveways culverts shall be sized for the amount of stormwater necessary. Such pipes shall be a minimum of 15 inch Reinforced Concrete Pipe (RCP) and may be larger as determined by the County Engineer.

4. Surfacing & Border Barriers

- a. All off street parking areas with the exception of one or two family dwellings shall be surfaced with asphalt, concrete, or other hard- surfaced dustless material and so constructed to provide for adequate drainage for both on and off site and to prevent the release of dust.
- b. In no case shall drainage be allowed to cross sidewalks.
- c. Where appropriate, pervious pavement and grass pavers may be substituted subject to the approval of the Planning Department.
- d. All off-street parking areas shall be provided with a rail, curb, fence, wall, earth berm, or other continuous barrier of a height sufficient to retain all cars completely within the property together with appropriate landscaping except at access driveways.
- e. Where appropriate and where the design incorporates low impact drainage techniques, the drainage plan may allow storm water to flow into landscape islands subject to the approval of the County Engineer.

5. Parking Spaces

The size of each parking space shall be as shown on the sample layout illustration according to the angle of parking and appropriately marked with painted lines or curbs.

6. Maneuvering Space

Minimum width of driveways providing maneuvering space within a parking lot for ingress to and egress from parking stalls shall be as indicated on the illustration for parking lot design details.

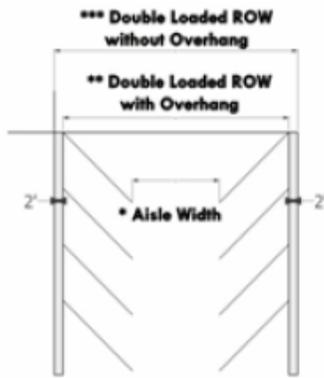
7. Slope in Parking Areas

The maximum slope within the area of the parking spaces shall be eight (8) percent. The maximum slope of driveways shall be twenty (20) percent.

F. Off-street Loading and Unloading Requirements

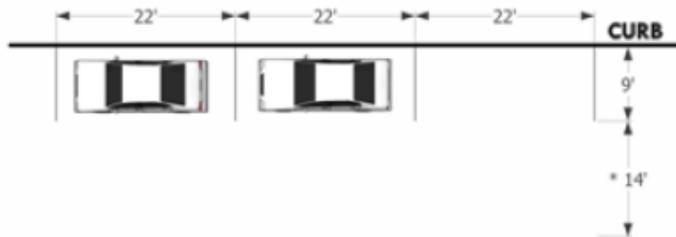
Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. All such loading and unloading areas shall be surfaced with asphalt, concrete, or other durable dust-free surface. Such spaces shall have access to a public or private alley, or if there is no alley, to a public street and shall be a minimum of twenty-five (25) in length. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

TOTAL USABLE FLOOR AREA	SPACE REQUIRED
0 to 9,999 square feet	One (1) space
10,000 to 14,999 square feet	Two (2) spaces
15,000 to 19,999 square feet	Four (4) spaces
Over 20,000 square feet	Three (3) spaces, plus one (1) additional space for each additional 20,000 square feet



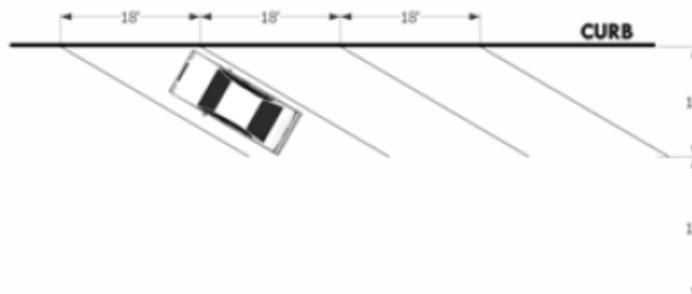
Parallel

- * 14'
- ** 32'



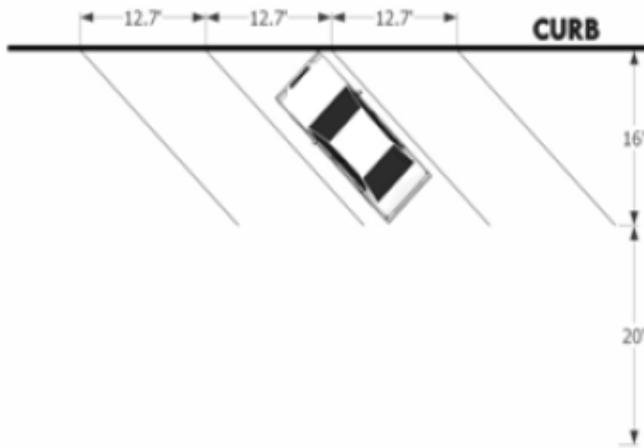
30 Degree Angled Parking

- * 18'
- ** 46'
- *** 50'



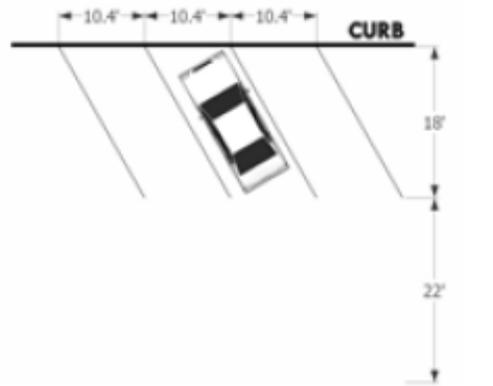
**45 Degree
Angled Parking**

- * 20'
- ** 52'
- *** 56'



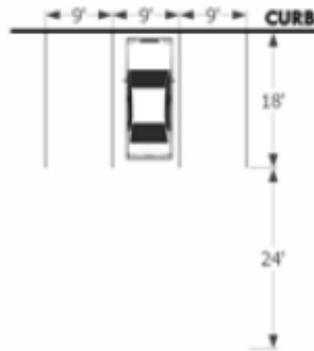
**60 Degree
Angled Parking**

- * 24'
- ** 60'
- *** 64'



**90 Degree
Angled Parking**

- * 24'
- ** 60'
- *** 64'



1103 Use Specific Standards

Use-specific standards are the additional requirements applied to individual uses, regardless of the zoning district in which they are located or the review procedure by which they are approved. The uses are also subject to all other applicable requirements in this Resolution.

A. Residential Activities

1. Mobile Homes

- a. Approval process shall be determined by the chart in Appendix B, for Dwelling, Mobile Home.
- b. New mobile homes shall not be permitted in Sumner County's planning region, except within 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.
- c. Any mobile home that is in existence on a lot when a subdivision plat is filed shall not be replaced; a note to this effect shall be added to any such submitted plat.
- d. Existing mobile homes on non-platted lots outside of the AR District and MHC District may be replaced, but must meet all applicable Use Specific Standards for Mobile Homes contained in this Chapter.
- e. For mobile homes outside the Mobile Home Community District, all 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.
- f. 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.
- g. Within the Mobile Home Community District, all mobile homes shall have perimeter skirting as described below to enhance the appearance of the home and to prevent rodent harborage.
- i. Skirting shall be placed on 1 continuous course of cinder block. Cinder block course shall be placed on a minimum 8-inch wide by 12-inch deep trench footing below grade.
 - ii. Footings shall have 2 strands of #5 reinforcement placed horizontally 4 inches below finish.
 - iii. Cinder blocks shall have 5/8-inch diameter anchors doveled/epoxy and core filled every 4 feet and 2 feet from corners at a minimum of 8 inches in depth.
 - iv. Skirting shall have a flame spread rating of 200 or less and shall be approved by the Building Department.
 - v. Skirting shall be placed from the top of the cinder block to the underside of the dwelling. 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.
- h. For the purposes of this resolution, "Tiny Homes" as defined herein shall be synonymous with "Mobile Homes" as defined herein. The approval process for Tiny Homes shall be identical to that for Dwelling, Mobile Home in Appendix B. In addition, the following shall apply:
- 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.

2. Bed & Breakfast Homestay

- a. The owner of the property or the business owner must reside permanently in the home. If there is more than one (1) owner, the owner with the largest share of the ownership shall reside permanently in the home. If two (2) or more owners own equal shares, at least one (1) of the owners shall reside permanently in the home
- b. The design of the parking spaces and their number and location shall also take into account the owner's parking spaces. Large expanses of paved area shall be avoided. No more than two (2) such spaces shall be located in the front yard.
- c. A maximum of four (4) guest rooms shall be available for rent, and such rooms shall not occupy more than fifty (50) percent of the total habitable floor area. A guest register shall be maintained and made available to the Building Inspector or other enforcing officer.
- d. Meal service shall be limited to breakfast and shall be

restricted to overnight guests only. No cooking facilities shall be available in any guest room.

- e. The maximum length of stay for any guest(s) shall be fourteen (14) consecutive days.
- f. The building shall comply with the International One- and Two-Family Dwelling Code and shall be inspected prior to occupancy by the Director of Building Codes and other enforcement officials. In the event the home is a historic building the Board may consider the varying the strict application of the code requirements as long as the safety of the guests is not compromised

B. Community Facility Activities

1. Essential Services

- a. All such facilities shall have a minimum fifty (50) foot setback line from any public street or residential lot line.
- b. A Type 2 bufferyard shall be provided around the perimeter of the site on which the facility is proposed to be located.
- c. When an Essential Service activity is a sewer or a water pump station, no special exception or review is required.

2. Cemetery

- a. The zone lot on which the cemetery is located shall be a minimum of 5 acres in size.
- b. All grave sites shall be a minimum of 50 feet from any property line.
- c. The site does not obstruct the development of any street proposed on the Sumner County Major Thoroughfare Plan.
- d. The Cemetery must adhere to any additional requirements contained within Private Acts applicable to Sumner County related to Cemeteries, to include the Private Acts of 1953, Chapter 30 and the Private Acts of 1986, Chapter 141.

C. Commercial Activities

1. Recycling Drop off Centers

- a. The receptacles shall be accessory to a permitted nonresidential use.

- b. The station shall be kept free of litter and debris.
- c. The receptacles shall not obstruct or block access to required parking spaces or aisles.
- d. The receptacles shall not be located within any required yard and shall be setback from any residential district by at least 100 feet.
- e. The area shall be used exclusively for collection and shall not have any processing equipment on-site.

2. Adult Entertainment

By virtue of the adoption of this Resolution, the Sumner County Board of Commissioners finds that adult entertainment activities, by their very nature, historically have been accompanied by secondary effects that are detrimental to the public health, safety, morals and welfare. These secondary effects include a wide range of criminal and other unlawful activities such as prostitution, narcotics and liquor law violations, breaches of the peace, assaults, sexual conduct involving physical contact between patrons or between entertainers and patrons and employment of or service to minors. The secondary effects also adversely impact residential neighborhoods, viable business districts and can cause declines in property values. These special conditions are necessary to ensure that adult entertainment activities are located a reasonable distance away from places where minors regularly gather, to protect the character of residential areas from the secondary influences, to protect the economic vitality of nearby businesses and to avoid concentration of adult businesses.

- a. No adult entertainment activity shall be located within two thousand (2,000) feet of an institutionally zoned district, or the property line of a lot devoted to any Community Facility Activity (excluding extensive impact facilities). No adult entertainment activity shall be located within one thousand (1,000) feet of a residentially zoned property or any property devoted to a residential use or to any business licensed or permitted to sell beer or intoxicating liquors or any other adult entertainment activity or use. The distance requirement specified herein shall be measured in a straight line from and to the nearest lot lines of the respective premises without regard to intervening structures or objects.
- b. A certified and signed survey prepared by a licensed surveyor or engineer showing distance measurements in accordance with a. above to all listed uses shall be submitted with any application for a special exception permit for an adult

entertainment activity

- c. No adult entertainment activity shall be conducted in any manner that permits the observation of any activities inside a building used for adult entertainment purposes from outside the building

3. Mini Warehouses

- a. There shall be provided along the entire site boundaries fencing, screening, and landscaping in accordance with this Chapter. When the outdoor storage of boats, campers and trailers is to be accommodated on the site, the fencing and screening heights shall be increased to completely screen from public view the boats, campers and trailers.
- b. The use of buildings in which the exterior facade is of one hundred (100) percent metal construction shall be prohibited with the buildings which face a street having a minimum of fifty (50) percent brick or stone;
- c. No individual storage unit may be used for sleeping or housekeeping, any business operation or for music and band operations.
- d. All buildings shall be separated by a minimum of twenty (20) feet;
- e. The setback for such activities (i.e. buildings and outdoor storage) shall be a minimum of sixty-five (65) feet, provided that if there is access on only one side of the building, the setbacks of the district can apply.
- f. An apartment on site may be permitted for security purposes;
- g. The maximum size of an individual storage unit shall be five hundred (500) square feet;
- h. The facilities shall be designed to discourage the use by and generation of heavy or semi-truck vehicles.

4. Child Care Centers

- a. An on-site, off-street area shall be provided for vehicles to load and unload passengers.
- b. Facilities for vehicular parking access to and from the site of the child care center shall be arranged to permit vehicles to exit from the site without backing onto any street or sidewalk

and shall meet the Parking and Loading Requirements contained in this Chapter.

- c. Day care centers must demonstrate that adequate wastewater capacity exists to serve the proposed use.
- d. All regulations for child care facilities enforced through other agencies, including but not limited to the Tennessee Department of Human Services and the Tennessee State Fire Marshal's Office, must be met.

D. Industrial Activities

1. Scrap Operations

- a. There shall be a minimum lot size of 15 acres.
- b. Traffic shall not be directed through neighborhood or other minor streets; all sites shall have direct access to a collector or arterial street as depicted on the Sumner County Major Thoroughfare Plan.
- c. All aspects of a scrap operation shall conform to all applicable State and Federal regulations including, but not limited to Title 54, Chapter 20 of the Tennessee Code Annotated.
- d. The scrap operation and any structures associated with the scrap operation use shall be set back a minimum of 150 feet from the property line of any non-industrial use.
- e. Exterior junk piles shall not exceed 15 feet in height and shall be arranged in a manner (with drives for accessibility) for fire protection purposes.
- f. No burning of junk or other materials shall be permitted.
- g. No portion of the scrap operation shall be within a flood prone area.
- h. A Type 3 Landscape Buffer shall be provided around the perimeter of the scrap operation.
- i. A Site Plan meeting the requirements of Chapter 14 must be submitted to and approved by the Sumner County Regional Planning Commission.

E. Agricultural Activities

1. Agricultural Tourism

- a. Agricultural tourism shall be directly associated with an on-going agricultural use on the same lot or on a parcel adjacent to the agricultural use.
- b. Access and parking areas must be approved by the Planning Department. At no time shall there be parking in the right-of-way.
- c. Outside events shall be concluded no later than 10:00 p.m.
- d. If public address system is to be utilized, no sound shall be audible from the property line.
- e. Farm stands shall not be located in any required yard, public right of way or easement.

2. Farm Wineries and Vineyards; Beer Breweries

- a. The owner shall obtain all applicable licenses from the State of Tennessee and/or Federal Government.
- b. All buildings, parking, and loading areas shall be setback a minimum of 100 feet from any property line.
- c. All Site Plan requirements contained at Chapter 14 shall be met
- d. Special Conditions for Farm Wineries and Vineyards:
 - i. Farm Wineries shall have a minimum lot area of 10 acres.
 - ii. A minimum of 3 acres of the winery site shall be utilized and maintained for growing grapes or other crops used in wine production.
 - iii. Facilities for selling, fermenting, and or bottling wine shall not be in operation until the vineyard has been established.
 - iv. The total floor area of all buildings used for processing/bottling, tasting, sales, wine storage, or office space shall not exceed 2,000 square feet.
 - v. The following accessory uses and activities are permitted in conjunction with a farm winery:
 - Where permitted by State or Federal law, on-premise wine tasting and the sale of wine and wine related products.
 - Daily tours of the property during daylight hours.

- Attendance at special events limited to 100 people. Outdoor events shall be complete during the daylight hours. Events larger than this size must comply with the Temporary Use standards in this Chapter.
- e. Special Conditions for Beer Breweries:
 - i. Breweries shall be established only within structures (existing or new) that are architecturally compatible in character with other existing structures on the property or neighboring properties, and shall not exceed 2,000 square feet of floor area.
 - ii. Breweries shall be operated by the owner/resident of the property where no service or product shall be sold or offered for sale on the premise/property and where production or services shall not be open to the public.
3. Equestrian Facilities
- a. Equestrian Facilities shall have a minimum lot area of 10 acres.
 - b. The following minimum setbacks shall be provided:
 - i. Outdoor corrals, riding areas, piles of manure, feed, and bedding shall be setback a minimum of 100 feet from the property line.
 - ii. All roofed structures shall be a minimum of 150 feet from the property lines.
 - iii. Pastures may extend to any property line.
 - c. If public address system is to be utilized, no sound shall be audible from the property line.
 - d. Attendance at special events is limited to 100 people. Events larger than this size must comply with the Temporary Use standards in this Chapter.

1104 Landscaping, Screening and Buffering

A. Purpose

The purpose of this section is to provide landscaping regulations that will enhance the environment and visual character as development occurs within the county. The preservation of existing trees and vegetation, and the

planting of new trees and vegetation will protect public and private investments, and promote high-quality development. Areas of transition will be created between land uses, in order to minimize adverse visual impacts, noise, light and air pollution. Therefore, this section requires landscaping to be planted in order to:

1. Encourage the preservation of existing trees and vegetation and replenish vegetation that is removed;
2. Facilitate the creation of attractive and harmonious communities with the intent to enhance property values;
3. Improve the visual quality of the county by minimizing the negative impacts of development;
4. Reduce environmental impacts, such as, noise, air and light pollution, reduce stormwater runoff and decrease soil erosion, improve soil and water quality, protect wildlife habitat, and reduce heat convection from impervious surfaces;
5. Minimize conflicts between land uses, reduce visual impacts to adjoining properties and public rights-of-way, create a transition between dissimilar land uses, promote and preserve the character and value of an area, and provide a sense of privacy;
6. Establish standards for the location, spacing, quantity, type, size, protection, planting and maintenance of landscape materials in order to accomplish the objectives listed above.

B. Applicability

1. This section does not apply to agricultural structures, single-family or two-family detached dwelling units and residential subdivision developments, with the exception of residential Planned Unit Developments and Mobile Home Communities.
2. New Development. No new building, structure or development shall be constructed, or parking area created, unless landscaping is provided as required in this section.
3. Changes to Existing Buildings, Structure, and Developments. The requirements of this section shall apply to existing buildings, structures, and developments under the following circumstances:
 - a. If the estimated cost of a renovation, addition, or alteration of an existing building, structure or development equals 50% or more of the total assessed value of the existing building, structure, or development (including land), then the entire building, structure, or development including parking area shall comply with the requirements of this section. The value

shall be determined from official county records. In the absence of an appropriate assessed value in the official county records, an appraisal performed by a licensed appraiser may be accepted.

- b. If there is change in uses of an existing building, structure, or development, which requires rezoning of the property to allow the new use, then the entire building, structure or development including parking area shall comply with the requirements of this section.
- c. If the number of existing parking spaces is expanded by 50% or more, the entire parking lot shall comply with the requirements of this section.
- d. If the number of existing parking spaces is expanded by 25% to less than 50%, then the area of expansion shall comply with the requirements of this section.
- e. If a new and separate building, structure, development, or parking area is constructed on the same lot of record as an existing building, structure, or development, only the separate and new building or parking area must meet the requirements of this section.

C. Definitions

The definitions listed below in this section are specific to these regulations and are, therefore, not included in Appendix A - Definitions.

- 1. Buffer Yard: A transitional space which consists of horizontal space (land) and vertical elements (plants, berms, fences, or walls) for the purpose of physically separating and visually screening adjacent land uses that are not fully compatible.
- 2. Caliper: A measurement of the diameter of a tree trunk measured 6" above the ground on trees less than 4" in size and 12" above the ground on trees larger than 4".
- 3. Critical Root Zone: A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival.
- 4. Deciduous: Those plants that annually lose their foliage.
- 5. Disturbed Area: The area of land where grading, excavation or other construction activities will take place on a site.
- 6. Evergreen: Those plants that retain their foliage throughout the year.

7. Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.
8. Tree, Ornamental: A small to medium tree, growing 12 feet to 25 feet at maturity often used for aesthetic purposes such as colorful flowers, interesting bark or fall foliage.
9. Tree, shade or canopy: A large tree growing over 25 feet in height at maturity, usually deciduous, planted to provide canopy cover shade.
10. Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. These plants may be deciduous or evergreen.

D. General Requirements

1. Landscaping Plan Requirements

A separate landscaping plan will be required as part of the site plan review process established in Chapter 14 of this Resolution. A licensed landscape architect shall be required to draw and stamp the landscaping plan if the total floor area of all buildings exceeds 25,000 square feet in size or the applicant is seeking an alternative method of compliance as described in this Chapter. The plan shall include:

- a. Project information including the total square footage of the property, the total linear feet of property lines, the square footage of the building areas, parking and other vehicular use areas;
- b. Each project's calculations, i.e., dimensional attributes and resulting amount of planted areas;
- c. Location of proposed buildings, parking areas, and access points including required vision triangles including a note that the landscaping plan shall be reviewed when designing the lighting plan in order to avoid conflict;
- d. Location, size and type of planting material, both existing and proposed;
- e. If applicable, a tree preservation plan with methods and details for protecting existing plants with critical root zones designated and established in order to receive tree credits;
- f. Location and description of other improvements such as berms, fences, and walls;

- g. Location of hose attachment or note that a permanent automatic irrigation system, designed/ built by an experienced designer and/ or contractor, shall be provided for all proposed landscape beds;
- h. Location of utility and drainage easements;
- i. Zoning designation of the subject property and the adjacent properties.

2. Prohibited Plants

Landscape plans shall not include any tree on the “do not plant tree list” with the exception of existing trees on the site which may still be considered for tree credits under this Chapter. The “do not plant tree list” shall be maintained on file in the Planning Department.

3. Plant Size and Spacing Requirements

- a. At the time of planting, shade trees must be a minimum of 2 inches in caliper, ornamental trees must be a minimum of 1.5 inches in caliper and evergreen trees must be a minimum of 6 feet tall.
- b. At the time of planting, shrubs used in the parking and vehicular use areas must be a minimum of 18 inches tall with the following exception; up to 30% of the required shrubs may have a minimum height of 12 inches tall at the time of planting. Shrubs used in the parking and vehicular use areas shall be able to achieve a minimum height of 3 feet, except for plants within the vision triangle.
- c. At the time of planting, shrubs used in the buffer yard areas must be a minimum of 24 inches tall. Shrubs used in the buffer yard shall be able to achieve a minimum mature height of 6 feet.
- d. Shade trees shall have a minimum horizontal separation from other required shade trees of 40 feet.

4. Utility and Drainage Easements

Required landscaping shall not be permitted in easements unless approved by the utility provider in writing, and if approved, the property owner shall execute and record a restrictive covenant agreeing to full replacement of plant materials which may be removed by the utility in the exercise of its rights within the easement. Required landscaping shall not be permitted in drainage easements without the written consent of the County Engineer.

5. Vision Triangle

All required landscaping must incorporate vision triangles that preserve the visibility of pedestrians and motorists. Any plant material taller than 30 inches shall not be permitted within vision triangles.

6. Mixture of Plants

To promote variety and to minimize the potential impact of disease, sites that require the planting of more than 6 trees shall provide a minimum of 2 different tree species. Sites that require the planting of more than 9 shrubs shall provide a minimum of 2 different shrub species.

7. Fractions of Plant Material

When calculating the required amount of plant material in buffer yard or landscaping requirements, any fraction one half or greater shall be rounded up to the next full number.

E. Buffer Yard Requirements

Certain land uses, because of their character and intensity, may create adverse impact on less intensive and varied adjacent land uses. Accordingly, the following regulations are established to protect and preserve the appearance, character and value of property throughout the County. Buffer yards are required where the development of a higher impact use abuts a lower impact use, as classified in this section. Three levels of buffer yards have been established and described in this section.

The Board of Zoning Appeals or the Regional Planning Commission may increase the buffer yard requirements where it has approval authority if the proposed use has unique characteristics typically associated with a higher impact use; or if the proposed site has unusual site conditions such as topography or unusually shaped parcels that limit the required buffer yard's effectiveness. The Board of Zoning Appeals may add an appropriate bufferyard type to any use approved by Special Exception.

1. Impact Classification

- a. All permitted uses shall be required at minimum to meet the open space set aside requirements contained in Chapter 8 of this resolution, which are the established minimum.
- b. No Impact: All permitted uses in the following zones are considered to have no impact, unless a specific use is listed elsewhere; AR and RR.
- c. Low Impact: All permitted uses in the following zones are considered to have low impact, unless a specific use is listed elsewhere; PUD (Low Density Residential), SR, IN, OP.
- d. Medium Impact: All permitted uses in the following zones are considered to have medium impact, unless parking total exceeds 450 spaces or a specific use is listed elsewhere; CN; CS, CG, LI, PUD (Medium Density Residential and Commercial).
- e. High Impact: All permitted uses in the following zones are considered to have high impact, unless a specific use is listed elsewhere; HI, PUD (High Density Residential, Industrial, and Commercial PUD if proposing more than 450 parking spaces) and MHCD.

2. Buffer Yard Type

Required buffer types are determined according to the following table:

		Proposed Zone/Use Classification			
		No	Low	Medium	High
Adjoining Zone/Use Classification	No	None	Type 1	Type 2	Type 3
	Low	None	None	Type 1	Type 2
	Medium	None	None	None	Type 1
	High	None	None	None	None

3. Planting and Location Requirements

A buffer yard shall be provided by the proposed use along the rear and side property lines abutting the lesser impact adjoining use. Where a development occurs on only a portion of a tract, the buffer yard may be placed at the edge of the development or at a location between the property line and the development that maximizes the effectiveness of the buffer yard. Buffer yards shall be spaced so that a uniform screen is provided. See the table below for the planting requirements for every 100 feet, or fraction thereof, of each buffer yard type:

Minimum Buffer Requirements for Every 100 Feet of Buffer Yard			
Buffer Type	Average Buffer Width (feet)	Minimum Buffer Width (feet)	Plant Material
Type 1	25	20	3 Evergreen Trees 2 Ornamental Trees 10 Shrubs
Type 2	35	25	5 Evergreen Trees 4 Ornamental Trees 20 Shrubs
Type 3	50	30	8 Evergreen Trees 5 Ornamental Trees 40 Shrubs

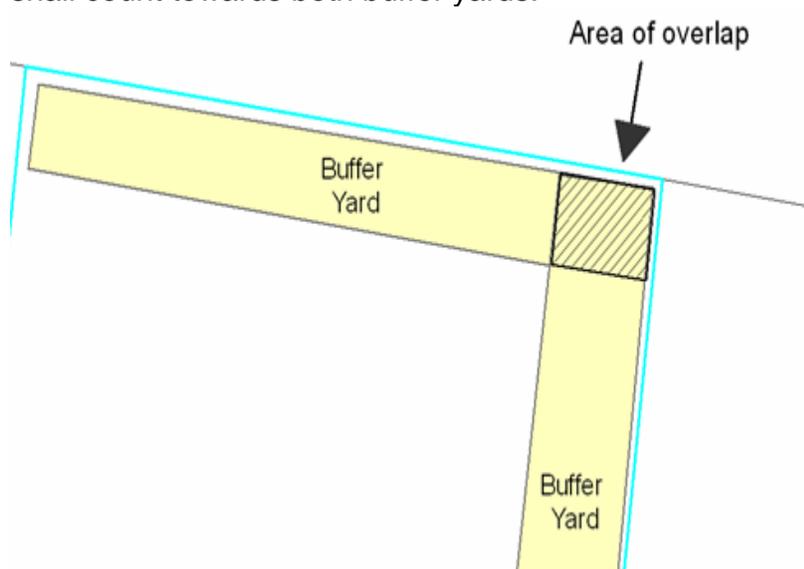
- a. Reduction of Plant Material: A wall or solid fence, a minimum of 6 feet in height, constructed of masonry, rock, or pressure treated lumber may be used to reduce the amount of buffer yard plant material and width as follows:
 - i. Type 1 buffer yard may be reduced to minimum buffer width and no shrubs shall be required.
 - ii. Type 2 buffer yards may be reduced to minimum buffer width, the amount of trees may be reduced by 50%, and no shrubs shall be required.
 - iii. Type 3 buffer yards may be reduced to minimum buffer width and the amount of trees and shrubs may be reduced by 50%.

The wall or solid fence must adhere to the fence standards contained in this Resolution.

- b. Allowable Design Variations: The landscape buffer yard is normally calculated as parallel to the property line. However,

design variations, especially when used to incorporate native vegetation into the planting area, shall be considered. The edges of the landscape buffer yard may meander, provided:

- i. The total area of the yard is equal to or greater than the total area of the required landscape buffer yard; and
 - ii. The yard measures no less than the minimum width permitted by the applicable buffer yard standard at all points along the perimeter of the property line requiring a landscape buffer yard.
- c. Varying Zone/Use Classifications: When a single property line is adjacent to multiple zone/use classifications, the most restrictive buffer yard will be required for the entire property line. (For example if the proposed use is a medium impact and along one side of the property is medium and low impact uses, then a Type 1 buffer yard would be required.)
- d. Area of Overlap: When required buffer yards overlap, as shown in the figure below, the area and planting materials shall count towards both buffer yards.



F. Landscaping Requirements for Parking and Vehicular Use Areas

All off-street parking and vehicular use areas (including driveways and loading docks) shall have landscaping covering at least 10% of the entire parking and vehicular use area. Landscaping shall be provided in accordance with the following:

1. Total Required Plant Material

To determine the total required planting area, multiply the entire square footage of off-street parking and vehicular use area by 10%. Within the planting area, plant material is required as follows:

- a. 1 shade tree for every 200 square feet of required planting area or 1 ornamental tree for every 150 square feet;
- b. Shrubs are required in addition to trees and at a rate of 1 per every 50 square feet of planting area.

2. Planting Area Location

All landscaping must be located between parking spaces, at the end of parking columns, in the immediate vicinity of the structure, along street frontage, or between parking spaces and the property lines. The location of landscaping shall adhere to the following:

- a. Interior Landscaping: Interior planting areas shall be located to provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Parking rows will be divided, begun or terminated with a landscape island. Between every 10 to 15 spaces, 1 landscaped parking island with a minimum dimension of 9 feet by 19 feet shall be provided. Each island shall contain 1 shade tree, unless tree credits as specified in this chapter have fulfilled all the required shade trees within the parking area. All the remaining land in the island shall be covered by shrubs, ground cover, sod, or mulched with a 3 to 4 inch layer of bark.
- b. Perimeter Landscaping: Unless supplanted by more stringent standards contained in the Buffer Yard Requirements contained in this Chapter, the perimeters of parking areas shall be separated from the edge of the right-of-way and adjacent property lines by a minimum of 7.5 feet of green space. The remaining required planting area shall be dispersed along any adjacent right-of-way or within the front yard setback. Required landscaping is encouraged to be grouped in defined beds or mass planting areas as opposed to being placed in a linear design to achieve a more naturalistic appearance.
- c. No landscaping area shall be less than 100 square feet in area.
- d. All areas not covered by buildings, parking areas, vehicular use areas, sidewalks or other approved landscaping materials shall be landscaped with grass.

3. Water Quality

The use of water quality filters/ swales within landscaping areas to enhance stormwater drainage is strongly encouraged and may be required by the County in order to meet Water Quality Requirements contained in the Sumner County Stormwater Management Resolution.

G. Credits towards Landscape/Buffer Yards for Preserved Trees

1. Tree Credits

Existing healthy trees, 4 inches in caliper or greater, may be substituted for required number of trees per the following:

Existing tree caliper	Tree Credits
4 – 8 inches	1
8 – 12 inches	2
12 – 16 inches	3
Greater than 16 inches	4

Tree credits for buffer yard areas will be allowed only for existing trees within the proposed buffer yard. Tree credits for landscaping within a parking area will be allowed only for trees with a canopy within 15 feet of the proposed parking and vehicular use area. An existing tree straddling an adjacent property line may be considered for tree credits but any such tree shall only be credited for half the amount otherwise applicable.

2. Tree Preservation Plan

To receive credit for existing trees, a tree preservation plan shall be submitted as part of the landscape plan. A certified arborist shall review the tree preservation plan and shall visit the site to confirm the accuracy of the tree survey. The certified arborist shall provide documentation regarding the health and survivability of existing vegetation and establish the critical root zone for each tree or grove of trees. The Planning Director may waive the requirement for a certified arborist if the disturbed area is at least 20 feet away from the existing canopy drip line and the existing vegetation on site creates an opaque screen from the adjacent property.

3. Tree Protection During Construction

Protective barricades shall be placed around the critical root zone of all trees designated in the tree preservation plan prior to the start of development activities and shall remain in place until development activities are complete.

- a. A protection barrier or tree fence shall be installed at a minimum of 3 feet in height around the tree or tree grove that is identified to be protected. The tree fence shall be constructed of a barrier material securely fastened to a wood or metal frame properly braced by 2 by 4 inch minimum structural members with cross braces, or another form of substantial barrier approved by the County.
- b. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, and vehicles. No substantial disturbance shall occur within the protective barricade including compaction of soil, trenching, placing backfill, grading or dumping trash, oil, paint, or other materials detrimental to plant health.
- c. Failure to comply with these requirements will result in the denial of tree credits and the landscape plan will have to be modified to include new tree plantings.

4. Other Existing Landscape Material

Existing landscape material which is proposed to be used to fulfill buffer yard/landscaping requirements shall be shown on the required tree preservation plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, the Planning Director, determines such material meets the requirements and achieves the objectives of this section.

H. Installation, Maintenance, and Enforcement

1. Timing of Installation and Bond Requirements

Required landscaping/ buffer yards must be installed on site before issuance of a Certificate of Occupancy. The Director of Building Codes may authorize a delay where planting season conflicts would produce high probability of plant loss. In the event the Director of Building Codes authorizes a delay, a temporary certificate of occupancy may be issued. No temporary certificate of occupancy will be issued until a Security Bond/Performance Bond/ Letter of Credit from a bank chartered in Tennessee for 110% of the cost of any uncompleted landscaping, including labor, shall be submitted to the Planning Department. To determine the total cost, the applicant shall furnish a cost estimate prepared by a qualified landscape contractor or nurseryman using prevailing material and labor costs. The bond must be placed by the owner of the property. The life of the bond shall not exceed 14 months. The bond will be released after landscaping is installed in accordance with the landscaping plan.

2. Installation Standards

All landscaping materials shown and listed on the approved plans shall be installed in a sound, workmanship like manner and according to accepted, good construction and planting procedures. Plants installed shall meet the standards for size, form, and quality set out in the American Standard for Nursery Stock, latest edition. Any landscape material, which fails to meet the minimum requirements of this section at the time of installation, shall be removed and replaced with acceptable materials.

3. Irrigation Required

All landscaping shall be planted within 300 feet of a hose attachment or include an underground or aboveground irrigation system.

4. Maintenance

The owner shall be responsible for the continued proper maintenance of all landscaping/ buffer yard materials and shall keep them in proper, neat and orderly appearance, free from refuse and debris at all times.

a. Proper maintenance shall include regular weeding, mowing of grass, watering, fertilizing, pruning, and other maintenance of all plantings as needed. Shrubs used in buffer yards shall not be pruned to a height less than 5 feet. Topping trees or the severe cutting of limbs to stubs larger than 3 inches in diameter within the tree crown to such a degree as to remove the normal canopy is not proper maintenance of trees as required by this section.

b. Plants damaged, diseased or dead shall be replaced by the owner within 60 days of the occurrence of such condition. Should any plant designated on the tree preservation plan die, the owner shall replace sufficient landscaping to equal the tree credit within 60 days of the occurrence. If seasonal conditions are such that replacement cannot be accomplished immediately, this requirement can be temporarily delayed with the approval of the Director of Building Codes.

c. Walls and fences used as screening structures shall be repaired and replaced so that they remain in a structurally sound condition as required in the fence standards contained in this Resolution.

5. Enforcement

Any violation of the terms of this article shall be a violation of the zoning Resolution and shall be subject to the penalties established in Chapter 14 of this Resolution.

I. Alternative Methods of Compliance

1. Unique features prevent strict compliance

It is recognized that, on occasion, complete compliance with the requirements in this section may be impractical. Accordingly, an applicant may request approval for an alternative landscaping scheme when one or combination of the below listed conditions exist:

- The site involves space limitation or unusually shaped parcels or;
- Soil, natural rock formations, topography or other site conditions are such that full compliance is impossible or impractical.

In order to have landscape requirements modified due to one or a combination of the above, the applicant must submit a written justification to the Planning Department. Within the justification, the applicant must describe:

- a. Which of the landscaping requirements will be modified and which above condition justifies using alternatives;
- b. What alternative methods will be used (for example substituting ornamental grass for required shrubs due to poor soil conditions); and
- c. How the proposed alternative meets or exceeds what is required.

2. Approval of Alternative Landscaping Scheme

The Regional Planning Commission shall review the proposed alternative landscaping scheme and determine if it is equivalent and whether it meets the intent and purpose of this section. The Planning Commission shall grant final approval, denial or approval with amendments. When making the decision, the Planning Commission should consider the unique features of the site; the land use classification of adjacent properties; the number of plantings, species, arrangement and coverage proposed; and the level of screening, height, spread, and canopy of the proposed plantings at maturity.

1105 Wireless Telecommunications Towers and Antennas

A. Purpose

The purpose and intent of this section is to promote the health, safety and general welfare of the public by regulating the siting of wireless

communications facilities; Additionally this section will minimize the visual impacts of wireless communications facilities on surrounding areas; accommodate the need and demand for wireless communications services; encourage coordination between providers of wireless communications services in Sumner County; respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in Sumner County; and establish predictable and balanced regulations governing wireless communications facilities,

B. Definitions

In addition to the definitions contained in Appendix A of this Resolution, the following words and phrases shall, for the purposes of this section, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with the current provisions of this Resolution, these definitions shall prevail:

Ancillary Appurtenances: Equipment associated with a wireless communications facility including, but not limited to: antennas, attaching devices, transmission lines, and all other equipment mounted on or associated with a wireless communications facility. Ancillary appurtenances do not include equipment enclosures.

Antenna: Any apparatus, or group of apparatus, designed for the transmitting and/or receiving of electromagnetic waves that includes, but is not limited to, telephonic, radio or television communications. An “antennas” includes any omni-directional (whip) antenna, sectorized (panel) antenna, microwave dish antenna, multi or single bay (FM & TV) antenna, yagi antenna, or parabolic (dish) antenna. An “antenna” does not include a satellite earth station.

Antenna, dish: A parabolic, spherical, or elliptical antenna intended to receive wireless communications.

Antenna, panel: A directional antenna designed to transmit and/or receive signals in a directional pattern that is less than three hundred and sixty (360°) degrees and is not a flush-mounted or dish antenna.

Antenna, whip: A cylindrical, omni-directional antenna designed to transmit and/or receive signals in a three hundred and sixty (360) degree pattern.

Antenna-supporting structure: A vertical projection, including a foundation, designed and primarily used to support one (1) or more antennas or which constitutes an antenna itself. Antenna-supporting structures do not include stealth wireless communications facilities, but does include roof-mounted antenna-supporting structures that extend above the rooflines by more than twenty (20) feet, or that have an height of greater than fifty (50) feet.

Antenna-supporting structures are not considered to be utility equipment.

Antenna-supporting structure, replacement: The construction of an antenna-supporting structure intended to replace an antenna-supporting structure in existence at the time of application.

Collocation: A situation in which two or more providers place an antenna on a common antenna-supporting structure, or the addition or replacement of antennas on an existing structure. The term collocation includes combined antennas, but does not include roof-mounted or surface-mounted wireless communications facilities, or the placement of any personal wireless service antenna on an amateur radio antenna within a residential district.

Eligible Facilities Request: Any request for modification of an existing wireless tower or base station that involves:

- (a) Collocation of new transmission equipment;
- (b) Removal of transmission equipment; or
- (c) Replacement of transmission equipment.

Equipment Enclosure: An enclosed structure, cabinet, or shelter used to contain radio or other equipment necessary for the transmission or reception of wireless communications signals, but not primarily to store equipment or to use as habitable space.

Guyed Tower: A style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

Height: The height of a wireless communications facility, measured as the vertical distance from the average of the highest and lowest point of the lot to the highest point of the wireless communications facility. Height includes all antennas and other ancillary appurtenances.

Lattice Tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which tapers from the foundation.

Light Trespass: Any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on which the luminaire is installed at a brightness (luminance) that exceeds 0.1 foot-candles at the property line.

Monopole Tower: A style of free-standing antenna-supporting structure that is composed of a single shaft that is attached to a foundation. This type of antenna-supporting structure is designed to support itself without the use of

guy wires or other stabilization devices. These structures are mounted to a foundation that rests on or in the ground or on a building's roof.

Mounted (Flush) Antenna: An antenna that is attached flush to an antenna-supporting structure, without the use of side arms or other extension devices.

Mounted (Roof) Antenna: Directly attached or affixed to the roof of any building or structure other than a tower. This type of installation is sometimes called a freestanding roof mounted antenna.

Mounted (Surface) Antenna: An antenna that is attached to the surface or façade of a building or structure other than an antenna-supporting structure.

Personal wireless service: Commercial mobile services (which includes cellular, personal communication services, specialized mobile radio, enhanced specialized mobile radio, and paging), unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

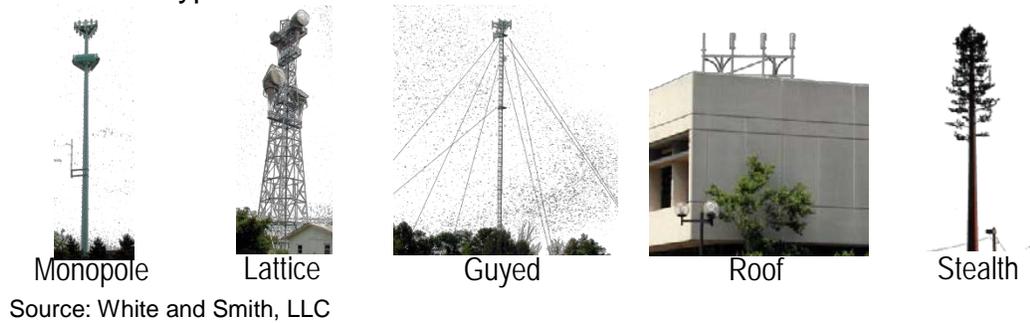
Stealth: Systems, components and materials used in the construction of a wireless communications facility (WCF) that mask, camouflage, or conceal the WCF to make it less visually intrusive to the surrounding property. "Stealth" includes construction techniques that disguise the WCF so that it appears as another natural or artificial object that exists in the surrounding environment or which is architecturally integrated into a building or other structure. They may include, but is not limited to, architecturally screened roof mounted antennae, façade-mounted antenna as design features, clock towers, flagpoles, church crosses, or "tree" poles (e.g., monopines).

Substantial Change (Increase) in the Size of the Tower: As defined in Title 47 Chapter 1 Code of Federal Regulations (CFR) including all parts, sub-parts and appendices and adopted herein by reference.

Tower: A monopole, lattice tower, free standing tower or other structures that are designed to support antennas.

Wireless communications facility: Any staffed or unstaffed facility used for the transmission and/or reception of wireless communications, usually consisting of an antenna or group of antennas, transmission lines, ancillary appurtenances, and equipment enclosures, and may include an antenna-supporting structure. The following structures or combinations of structures are considered to be wireless communications facilities: antenna-supporting structures (including replacements and broadcast), collocated antennas, roof-mounted structures, surface-mounted antennas, and stealth wireless communications facilities, but not including amateur radio facilities.

Types of Telecommunications Towers and Structures



C. Applicability

1. Except as provided below, this section will apply to the installation, construction, or modification of the following wireless communications facilities:
 - a. Existing and proposed antenna-supporting structures subject to the provisions of TCA 13-24-305;
 - b. Replacement antenna-supporting structures;
 - c. Broadcast antenna-supporting structures;
 - d. Collocated and combined antennas on existing antenna-supporting structures that are classified as substantial increases in the size of the tower as defined in this Chapter or require the antenna-supporting structure to be lighted;
 - e. Roof-mounted antenna-supporting structures;
 - f. Surface-mounted antennas;
 - g. Stealth wireless communications facilities.
2. This Section does not apply to the following:
 - a. Regular maintenance of any existing wireless communications facility that does not include the placement of a new wireless communications facility;
 - b. Any existing or proposed antenna-supporting structure with a height of thirty-five (35) feet or less;
 - c. Any wireless communications facility that is not visible from the exterior of the building or structure in which it is mounted;
 - d. Wireless communications facilities erected upon the declaration of a state of emergency by a federal, state, or local government. However, no wireless communications facility will be exempt pursuant to this paragraph unless a written

determination of public necessity for the facility is made by the Planning Director. No wireless communications facility is exempt from the provisions of this Section beyond the duration of the state of emergency, and such facility must be removed or approved pursuant to this Section within thirty (30) days of the termination of the state of emergency;

- e. Satellite dishes and television reception facilities for private use only; and
- f. Amateur radio (“HAM radio”) facilities.
- g. Any eligible facilities request as defined by this Chapter.

D. Development Review and Permitted Uses.

1. No wireless communications facility is permitted except in accordance with the development review process indicated in this section, based on the applicable zoning district and height of the proposed facility. Regardless of the development review process required, the applicant must comply with all applicable submission, procedural, and substantive provisions of the Sumner County Zoning Resolution.

Zoning Districts	Height of Proposed Facility		
	36-75 feet	76-100 feet	100 feet or more
RR, RS	Special Exception	Special Exception	Special Exception
MHC, IN, OP, CN, CS	Special Exception	Special Exception	Special Exception
CG	Building permit	Special Exception	Special Exception
AR, LI, HI	Building permit	Building permit	Building permit

2. All collocations, roof-mounted, and surface-mounted facilities must receive a building permit.

E. Development Review

1. Building Permit

Where a building permit is required, the application will be reviewed for compliance with this chapter by the Planning Director. The Planning Director shall render a final decision that approves, approves with conditions, or denies the application within thirty (30) days of submittal. Within thirty (30) days of the Planning Director’s

decision, appeal may be made to the Board of Zoning Appeals pursuant to Chapter 14. A fee shall be established to recoup the County's costs for review and analysis related to such requests.

2. Special Exception

Where a special exception is required, the application will be reviewed as provided in Chapter 14

3. Final Decision

Any decision by the Board of Zoning Appeals to deny an application for a proposed wireless communications facility must be in writing and supported by substantial evidence contained in a written record.

F. Shared Use Plans

1. Unless required by this section, shared use plans are encouraged. The shared use plan must include the following:

- a. A signed statement from the antenna-supporting structure owner agreeing to allow future collocations (including combined antennas) on the facility, where reasonable and structurally feasible, including those initiated by providers other than the applicant or provider signing the application.
- b. A written evaluation of the feasibility of accommodating future collocations, which evaluation must address the following, as appropriate:
 - i. Structural capacity of the proposed antenna-supporting structure;
 - ii. Radio frequency limitations impacting the ability to accommodate collocations;
 - iii. Geographical search area requirements;
 - iv. Mechanical or electrical compatibility;
 - v. Any restrictions imposed upon the facility by the FCC that would preclude future collocations; and
 - vi. Additional relevant information as required by Sumner County.

2. This section does not require a shared use plan to relinquish the applicant's right to exclude others from its property, or to accept collocations at below market lease rates. However, the applicant may voluntarily include such provisions in a shared use plan.

G. Submission Requirements

1. In addition to the submissions required for a building permit, the following must be provided with an application for any wireless communications facility submitted pursuant to this Section. The application must be signed by the property owner, applicant, and a provider who will place antennas on the proposed wireless communications facility.
2. The Planning Director may modify the submission requirements set forth above where it is determined that certain information is not required or useful in determining compliance with the provisions of the zoning Resolution. A decision to modify certain submission requirements must be in writing and made a part of the application file.
3. If the property owner is not a provider, the application must include letter signed by the property owner giving the applicant permission to act on behalf of the property owner and to apply to construct a wireless communications facility.

H. Standards

The standards for the establishment of all proposed wireless communications facilities are as indicated below. The Board of Zoning Appeals shall assure that all requirements have been met prior to the issuance of the special exception,

1. Antenna-supporting structures must be setback a distance equal to its height from any property line. The County may modify the setback if the applicant demonstrates that the antenna-supporting structure can withstand the wind load for the design storm event applicable to Sumner County as provided in the most recent version of ANSI/TIA/EIA-222, Structural Standards for Steel Antenna Towers and Antenna Support Structures, which document is hereby incorporated by reference.
2. A fence not less than eight (8) feet in height from finished grade must be installed so as to enclose the base of the antenna-supporting structure and associated equipment enclosures. Access to the antenna-supporting structure must be controlled by a locked gate.
3. A landscaping and vegetative buffer shall be installed to reduce visibility from the public road and the surrounding property. A natural vegetative buffer may substituted for the buffering and landscaping requirements subject to the approval of the Planning Department to ensure that it is sufficient to provide the required buffering.

4. The application shall show that the FAA has approved the height of the tower and any license necessary to operate the tower.
5. No lights, signals, or other illumination are permitted on any antenna-supporting structure or ancillary appurtenances unless the applicant demonstrates that lighting is required by the FAA or the FCC.
6. Antenna-supporting structures (towers) must be designed to accommodate future collocation for at least three (3) antennae. As a condition of approval under this Section, the applicant must submit a shared use plan.

I. Proliferation Minimized

No antenna-supporting structure is permitted unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure.

J. Signage

1. No signs may be placed on antenna-supporting structures, ancillary appurtenances, equipment enclosures, or on any fence or wall except as required by this section.
2. If high voltage is necessary for the operation of proposed wireless communications facilities, "High Voltage-Danger" and "No Trespass" warning signs not greater than one (1) square foot in area must be permanently attached to the fence or wall at intervals of not less than forty (40) feet and upon the access gate.
3. A sign not greater than one (1) square foot in area must be attached to the access gate that indicates the following information:
 - a. Federal registration number, if applicable;
 - b. Name of owner or contact person; and
 - c. An emergency contact number.

K. Expert Review

1. Where due to the complexity of the methodology or analysis required to review an application for a wireless communications facility, the Planning Director may require a technical review by a third party expert at the applicant's expense.

2. The expert review may address the following:
 - a. The accuracy and completeness of submissions;
 - b. The applicability of analysis techniques and methodologies;
 - c. The validity of conclusions reached;
 - d. Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this section; and
 - e. Other matters deemed by the Director to be relevant in determining whether a proposed wireless communications facility complies with the provisions of this section.
3. Based on the results of the expert review, the Planning Director may require changes to the applicant's application or required submissions.

L. Discontinuance

1. Notice of Discontinuance

In the event all legally approved use of an antenna-supporting structure or antenna has been discontinued for a period of one-hundred and eighty (180) days, the Planning Director may make a preliminary determination of discontinuance. In making such a determination, the Planning Director may request documentation and/or affidavits from the property owner regarding the structure's usage, including evidence that use of the structure is imminent. Failure on the part of a property owner to provide updated contact information for the owner of the antenna-supporting structure for two consecutive years will be presumptive evidence of discontinuance. At such time as the Planning Director reasonably determines that an antenna-supporting structure or antenna has been discontinued, the Planning Director will provide the property owner with a written notice of discontinuance by certified mail.

2. Declaration of Discontinuance

Failure on the part of the property owner to respond to the notice of discontinuance within ninety (90) days, or to adequately demonstrate that the structure is not discontinued, will be evidence of discontinuance. Based on the foregoing, or on any other relevant evidence before the Planning Director, the Planning Director may make a final determination of discontinuance, whereupon a declaration of discontinuance will be issued to the property owner by certified mail.

3. Removal of Facility

Within one-hundred and twenty (120) days of a declaration of discontinuance, the property owner must either (i) reactivate the use of the structure as a wireless communications facility or transfer ownership of the structure to another owner who will make such use of the facility, or (ii) dismantle and remove the facility. If the property owner fails to comply:

- a. The property owner shall be subject to a civil penalty of \$50 per day that the violation continues; and
- b. In order to settle any actual enforcement proceeding, or an impending enforcement proceeding of which the property owner is notified, the property owner may provide an estimate of the costs to dismantle the facility and shall remit funds or a binding performance guarantee to cover such costs to the county.

1106 Access Management Standards (State Route 109)

A. Purpose and Intent

State Route 109 is the primary north-south arterial serving travelers in central Sumner County. The purpose of the State Route 109 Access Management Standards is to allow access to land development in a manner that preserves the safety and efficiency of the transportation system, promotes economic development, and protects environmental resources along State Route 109 within the jurisdiction of the Sumner County Regional Planning Commission.

B. Applicability

The following access management standards apply to all properties abutting and street intersections along State Route 109 within the jurisdiction of the Sumner County Regional Planning Commission. If conflicts exist between the requirements of Section 1105 and other Chapters of Zoning Resolution or the County Subdivision Regulations, the requirements of this Section shall supersede and control.

C. Street Spacing

Streets shall be spaced at increments of approximately 1,300 feet. Existing driveways shall be upgraded to streets when a property develops. If necessary, the access point shall also be relocated to comply with the 1,300 feet street spacing requirement, or to more evenly space access points along State Route 109.

D. Traffic Signals

Signalized intersections shall not be approved at increments less than 5,280 feet (1 mile). Any signal to be installed shall meet signal warrants as required by the TDOT Traffic Design Manual and receive approval from TDOT and Sumner County.

E. Lot Frontage

No frontage along State Route 109 shall be used to meet the frontage requirements of the Zoning Resolution or Subdivision Regulations unless a separate alley or frontage road is provided for access. Such access configuration shall be recorded on a Subdivision Plat to be recorded by the Sumner County Regional Planning Commission. Individual lots or parcels shall not have individual access to State Route 109.

F. Driveways

Driveways that have not been previously approved by TDOT shall not be approved by the County.

G. Sidewalks and Pedestrian Crossings

Generally, sidewalks are not required on State Route 109, as the limited access requirements of the road limits locations for safe pedestrian crossings. At grade pedestrian crossing shall be limited to signalized intersections or as called for in Planning Documents adopted by the Sumner County Commission. Planning Documents include but are not limited to a Land Use Plan, Transportation Plan, Corridor Plan, and/or other Small Area Plan. Sidewalks and other pedestrian pathways shall be included within developments along the Highway 109 corridor to ensure north-south movement of pedestrian to pedestrian crossings of Highway 109.

1107 Performance Standards

A. Purpose and Intent

The purpose of this section is to establish regulations and standards for the installation and operation of industrial activities, commercial activities and privately owned Community Facility Activities, based upon consideration of the objectionable characteristics of individual uses and the districts in which they are permitted.

In all such districts, as indicated in each respective district, any permitted use or any special exception and every building or structure or tract of land that is established, developed, or constructed shall comply with each and

every performance standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this Resolution, the applicable performance standards shall apply to such extended, enlarged, or reconstructed portion or portions of such use of building or other structure.

Performance standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the time, or on the public right-of-way.

In the case of any conflict between the activity type and the performance standards, the latter shall control. In the case of any conflict between the performance standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

B. Performance of Standard Regulations

The following performance standard regulations shall apply to all uses of property as indicated in each respective district:

1. Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely affect the surrounding area of adjoining premises (referred to herein as "dangerous or objectionable elements"); provided, that any use permitted or not expressly prohibited by this Resolution may be undertaken and maintained if it conforms to the regulations of this chapter limiting dangerous and objectionable elements at the point of the determination of their existence. Routine development concerns such as traffic impacts shall in no instance constitute a dangerous or objectionable element for the purposes of this section.

2. Performance Standards Regulating Noise

a. Definitions

For the purpose of this chapter, the following terms shall apply:

- i. ANSI: American National Standards Institute or its successor bodies.
- ii. A-Weighted Sound Pressure Level: The sound pressure level as measured with a sound level meter using the A-weighting network. The symbol for this standard is dB(A).
- iii. Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference pressure. It is abbreviated as dB.
- iv. Impact Sound: a sound produced by two or more objects (or parts of a machine) striking each other, so as to be heard as separate distinct noises.
- v. Noise: a subjective description of an undesirable or unwanted sound.
- vi. Sound Level: In decibels, a weighted sound pressure level, determined by the use of metering characteristics and frequency weightings specified in ANSI S1.4-1971 "Specifications for Sound Level Meters".
- vii. Sound Level Meter: An instrument, including a microphone, amplifier, EMS detector and integrator, time average, output-meter and /or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of Type I or better as specified in ANSI Publication S1.4-1971 or its successor publication.
- viii. Steady State: a noise or vibration, which is continuous such as from a fan or compressor.

b. Method of Measurement

For the purpose of measuring the intensity of noise, the sound level meter as defined above shall be used. Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises shall be measured using the fast response of the sound level meter, and other noises using the slow response. For purposes of this section, impact noises shall be considered to be those noises whose peak values are more than three (3) decibels higher than the values indicated on the sound level meter.

c. Maximum Permitted Sound Levels

The maximum permitted sound pressure levels in decibels across zone lot lines and district boundaries shall be in accordance with the following table. This table shall be used to determine the maximum noise level, measured in A-weighted decibels, which shall be permitted at the property line of the closest use in each of the following categories:

TABLE OF MAXIMUM PERMITTED SOUND LEVELS		
Adjacent Land Use	Sound Level Limit (dBA)	
	7 AM to 7 PM	7 PM to 7 AM
Residential	60	55
Industrial	75	75
All Other Uses	65	60

d. Exemptions

The standards set forth in this section shall not apply to emergency warning devices, lawn care equipment used during daylight hours and equipment used in construction during daylight hours.

3. Performance Standards Regulating Vibration

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the zone lot line of the zone lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted through the earth and impact vibration produced by two or more objects (or parts of a machine) striking each other.

4. Performance Standards Regulating Smoke, Gases, Dust, and Particulate Matter

All uses and activities shall comply with the air pollution regulations of the Department of Environment and Conservation, Division of Air Pollution Control. Such regulations shall be enforced by each respective agency.

5. Performance Standards Regulating Odors

a. Definitions

- i. Odorous Matter: solid, liquid, or gaseous material,

which produces an olfactory response in a human being.

- ii. Odor Threshold Concentration: the lowest concentration of odorous matter, which will produce an olfactory response in a human being.

b. Emission of Odorous Matter

Within all districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the zone lot line.

As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious; that such odors as associated with baking or the roasting of nuts or coffee shall not normally be considered obnoxious within the meaning of this section, nor shall odors associated with Agricultural activities.

6. Performance Standards Regulating Toxic Matter and Fire and Explosive Hazards

The use and/or storage of any toxic, detonable, or explosive materials and any fire hazard solids, liquids or gases shall be in strict accordance with the current NFPA Code as adopted by the county. Adequate precautions shall be taken to protect against any negative off-site impacts of any hazardous or toxic materials release, using best available technology. Any such release shall be a violation of this Resolution punishable as provided by law.

7. Performance Standards Regulating Glare and Electromagnetic Interference

a. Definitions

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

b. Limitation of Glare

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

All site lighting shall be shielded so that substantially all

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

c. Electromagnetic Interference

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

8. Performance Standards Regulating Radioactive Materials

The manufacture, storage, and utilization of radioactive materials shall be prohibited except for use as a part of medical practice and facilities and such use shall be in accordance with applicable state and federal regulations.

9. Nonconforming Uses by Reason of Performance Standards

Any use existing on the effective date of this Resolution, or subsequent amendment as applicable, and permitted by right that does not meet the requirements of one or more of the performance standards established explicitly in this chapter or by reference shall be subject to the nonconforming use provisions of Chapter 13.

CHAPTER 12

SIGN REGULATIONS

SECTIONS:

- 1201 Purpose and Intent
- 1202 Definitions
- 1203 General Provisions
- 1204 Prohibited Signs
- 1205 Allowed Signs
- 1206 Temporary Signage
- 1207 Permitting Procedure
- 1208 Enforcement and Appeals

1201 Purpose and Intent

It is the purpose of this section to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

- A. Allow for the communication of information necessary for the conduct of commerce.
- B. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian, bicycle and vehicular traffic.
- C. Enhance the attractiveness and economic well-being of the county as a place to live, vacation and conduct business.
- D. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
- E. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- F. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
- G. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.

- H. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.

1202 Definitions

For the purpose of this Chapter the following definitions shall apply:

An individual sign may fall under more than one of the following definitions, e.g., illuminated ground sign, temporary off-premise sign, etc.

Abandoned sign. A sign either on-premise or off-premise, which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation for at least 30 days, or advertises any product no longer being marketed or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Awning sign. Any sign that is a part of, attached to, or made up of an awning or other protective cover over a door, entrance, or window of a building, either retractable or non-retractable.

Billboard sign. See off-premise sign.

Canopy sign. Any sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area.

Changeable copy, automatic. A changeable copy sign or portion of a sign on which the message can be changed through electronic or electro-mechanical means.

Changeable copy, manual. A sign or portion of a sign designed so that the message or copy can be manually changed frequently.

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

Dilapidated sign. A sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

Directional sign, temporary. A temporary sign erected for the sole purpose of providing directions

Flag. Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Front Façade. The front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel, the side which includes the primary entrance shall be considered the front façade. If a structure located on a corner parcel contains a primary entrance on more than one side, the longer side with a primary entrance shall be considered the front façade. In cases where the building is oriented in a manner not parallel to the street, the primary entrance shall be used as the front façade.

Graphic sign. A sign painted directly on, carved in, or otherwise permanently embedded in the façade.

Ground [Freestanding] signs. Any sign supported by structures or supports that are anchored in the ground, and that are independent of any building including ground, pole or similar signs.

Illumination, internal. A light source within the sign.

Illumination, external. A light source which is not internal to the sign.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "exit", "loading only", "no trespassing", "no hunting", "phone", "ATM", etc.

Major Subdivision. A subdivision which contains 3 lots or greater, as defined in the Subdivision Regulations adopted in Sumner County.

Multi-tenant sign. A sign that serves as a common or collective identification for two or more uses on the same premises.

Non-commercial sign. Any sign not naming, advertising or calling attention to a business or commercial product, service or activity.

Nonconforming sign or sign structure. Any existing permanent sign or sign structure which does not conform to the provisions of this article, but was lawfully erected and complied with the sign regulations in effect at the time it was erected.

Off-premise sign. A sign which advertises goods, services, facilities, events or attractions available at a location other than the premises where the sign is located, including but not limited to billboards.

On-premise sign. A sign which advertises goods, services, facilities, events or attractions available on the premises where the sign is installed and maintained.

Outline lighting. Attached neon tubing or fiber optic tubing which must be of constant intensity and uniform color placed on the exterior of a building.

Portable sign. A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other non- motorized mobile structure with or without wheels.

Projecting sign. A sign that is wholly or partly dependent upon a building for support and which projects more than one (1) foot from such building.

Sign. Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing for visual communication intended to attract the attention of the public and visible from the public right-of-way.

Sign copy. Any combination of letter, numbers or graphic images which are intended to inform, direct or otherwise transmit information.

Sign face. The area or display surface used for the message.

Sign structure. Any structure that supports, has supported or is capable of supporting a sign, including any decorative cover for the sign structure. This definition shall not include a building, fence, wall, or earthen berm.

Snipe sign. An off-premise sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

Temporary sign. Any sign which by reason of construction or purpose is intended to be displayed for a short period of time, as allowed by this article.

Wall sign. A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than one (1) foot from such building or structure.

Window sign. Any sign or graphic placed inside the window or upon the window pane, used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw visual attention to the business or use, and which is visible from the public right-of-way, but excludes merchandise in a window display.

1203 General Provisions

A. Substitution Clause

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this resolution. Noncommercial

signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

B. Computation of Sign Area and Height

1. The area of all signs allowed under this Resolution shall be computed as follows:
 - a. The sign area shall be determined by computing the area of the smallest square, rectangle, circle, and/or triangle that will encompass the extreme limits of the sign face, including any open areas within the sign face. The sign area shall not include any supporting structure, up-rights or decorative bases or bracing.
 - b. When (2) signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only 1 such face shall be included in computing the total area of the sign. When two (2) signs of the same shape and dimensions are mounted or displayed not back-to-back and parallel each such face shall be included in computing the total area of the signs.
2. The height of all signs allowed under this Article shall be computed as follows:
 - a. The height of a ground sign shall be measured from the average level of the grade below the sign to the highest point of the sign face area or its supporting structure, whichever is greater.
 - b. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall not be higher than the maximum allowed building height. In the event that a multi-storied structure contains various tenants on each floor, the wall signs for each floor may not exceed the ceiling height for that specific floor level.
 - c. The clearance of a projecting sign shall be measured from the base of the sign face to the ground below.
 - d. Any berming, filling, or excavation solely for the purposes of locating the sign shall be computed as part of the sign height.

C. Setbacks and Placement

1. Signs and sign structures shall be setback a minimum of 5 feet from any right-of-way line.
2. No sign shall be located within the vision triangle or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.
3. Signs shall be located so as not to impair windows, doors or other means of ingress/egress.
4. No sign shall be located within a public utility or drainage easement.
5. Clearance from electrical power lines shall be in accordance with the most recent National Electrical Safety Code (NESC) and any amendments thereto. NESC minimums are absolute minimums and local utilities may require additional clearance requirements.

D. Sign Illumination

Not all forms of illumination are allowed in all zoning districts. Refer to Section 1205 for allowable forms of illumination by zoning district and sign type.

The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles.

E. Adherence to Applicable Codes

All signs shall comply with applicable provisions of the adopted building codes and state electrical code.

F. Nonconforming Signs

1. The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When a property is redeveloped the signs on that property must be brought into compliance with the provisions of this chapter.
2. With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for printing or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as an illegal sign.

G. Changeable Copy

1. Signs containing automatic changeable copy must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the display when notified by the County that it is not complying with the standards of this Resolution.
2. Only one contiguous automatic changeable copy area is allowed on a sign face.
3. All signs containing automatic changeable copy must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
4. All messages must change instantaneously without any special effects.
5. The messages displayed must be static and complete in themselves, without continuation in content to the next message or to any other sign.
6. Signs containing automatic changeable copy messages must remain fixed, static, motionless, and non-flashing for a period of at least 8 seconds for time, date or temperature displays and 30 seconds for all other messages.

1204 Prohibited Signs

Except as may be authorized by this article, the following signs shall be prohibited and may neither be erected nor maintained:

- A. Any sign for which a permit is required and has not been issued, excluding any existing legal nonconforming sign;
- B. Flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, or other decorations, not including automatic changeable copy signs as regulated in this chapter;
- C. Any sign that obstructs a clear view to and from traffic along any street right-of-way, entrance, or exit;
- D. Signs or sign structures located in the right-of-way, except as required by appropriate federal, state, city or county governmental authorities;
- E. Snipe signs;
- F. Any sign that obstructs free ingress and egress through a required door, window, fire escape or other required exit way;

- G. Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court;
- H. Windblown or inflated signs, not including flags as regulated in this chapter;
- I. Signs placed on or affixed to vehicles and/or trailers which are parked on a right-of-way, public property or private property so as to be visible from the public right-of-way where the apparent purpose is to advertise a message provided that this is not in any way intended to prohibit signs placed on or affixed to motorized vehicles where the sign is incidental to the primary use of the motorized vehicles or trailer;
- J. Abandoned or dilapidated signs;
- K. Signs that extend above the roof line;
- L. Government Imitation Signs which make use of words such as “stop”, “look”, “danger”, or any other words, phrases, symbols or character in such a manner as to resemble standard traffic control signs and interfere with, mislead or confuse drivers of vehicles traveling upon any highway, driveway or parking area;
- M. Portable signs;
- N. Off-premise signs, to include billboards;
- O. Sign display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement;
- P. Video, continuous scrolling messages, and animation signs;
- Q. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a publicway;
- R. Any other sign which is not expressly allowed is prohibited.

1205 Allowed Signs

- A. Signs Allowed in All Zoning Districts – No Permit Required

The following signs are allowed in all zoning districts and do not require a permit.

1. Memorial signs and tablets displayed on public property or in cemeteries;
2. Address numerals, nameplates (including apartment units and office

suites) and signs bearing the same name of occupants of the premises not exceeding 2 square feet in area;

3. A traffic directional, warning or information sign authorized by any public agency, whether permanent or temporary;
4. Incidental signs as defined in this Chapter limited to 5 square feet in sign area;
5. Signs related to an approved agricultural use not exceeding 32 square feet with a maximum 1 sign per property;
6. Governmental, civic and decorative flags;
7. Window Signs in which the total area of signage does not exceed 25 percent of the area of the window or any glass door to which they are visible;
8. An official sign or notice issued or required to be displayed on private property by any court, public agency or public office, whether permanent or temporary;
9. Scoreboards or advertising signage located on athletic fields if oriented toward the field of play;
10. Temporary signs, as regulated by this Chapter.

B. Signs allowed by Zoning District – Permit Required

1. Signs allowed in all Residential Districts, as established in Chapter 3 of this Resolution, for legally established uses:
 - a. Ground [Freestanding] Signs
 - i. Permitted Non-residential uses (e.g. institutional uses, agricultural uses, etc.)
 - (1) Number – 1 per lot maximum
 - (2) Sign Area – Shall not exceed 20 square feet
 - (3) Height – Sign and sign structure shall not exceed 5 feet
 - (4) Illumination – External lighting only. No direct light or significant glare may be cast onto any adjacent lot that is zoned and used for residential purposes. Automatic changeable copy messages are prohibited.
 - (5) Changeable Copy –50% of the sign area may contain manual changeable copy messages.
 - ii. Major residential subdivisions and multiple family dwelling developments

- (1) Number – 2 per entrance maximum
- (2) Sign Area – Shall not exceed 40 square feet
- (3) Height – Sign and sign structure shall not exceed 8 feet
- (4) Location – Signs are to be located in sign easements at the entrance to the development
- (5) Illumination – External lighting only. No direct light or significant glare may be cast onto any adjacent lot that is zoned and used for residential purposes
- (6) Maintenance – Signs shall be landscaped and maintenance shall be provided via a homeowners association or similar legal instrument.

b. Wall and Graphic signs

i. Non-residential uses (e.g. institutional uses, agricultural uses, etc.)

- (1) Number – square footage of signs shall not exceed total allowable square footage on the wall
- (2) Sign Area – Total allowable square footage is 3 square feet for each linear foot of building frontage, not to exceed 40 square feet maximum
- (3) Illumination – External lighting only

ii. Major Home Based Businesses

- (1) Number – 1 per lot maximum
- (2) Sign Area – Shall not exceed 5 square-feet
- (3) Illumination – Not allowed

c. Flags not otherwise allowed

i. Non-residential uses, major residential subdivision entrances or amenity areas or multiple family dwelling developments

- (1) Number – 2 per lot maximum
- (2) Sign Area – Shall not exceed 32 square feet per flag
- (3) Height – Sign and sign structure shall not exceed 16 feet
- (4) Illumination – Not allowed

2. Signs allowed in all Office/Institutional Districts, as established in Chapter 3 of this Resolution, for legally established uses:

a. Ground [Freestanding] Signs

- i. Number – 1 per lot maximum
 - ii. Sign Area – Shall not exceed 40 square feet
 - iii. Height – Sign and sign structure shall not exceed 8 feet
 - iv. Illumination – External lighting
 - v. Changeable Copy – 25% of the sign area may contain automatic changeable copy messages or 50% of the sign area may contain manual changeable copy messages.
 - b. Wall and Graphic signs
 - i. Number – square footage of signs shall not exceed total allowable square footage on the wall
 - ii. Sign Area – Total allowable square footage is 3 square feet for each linear foot of building frontage, not to exceed 40 square feet maximum
 - iii. Illumination – External lighting only
- 3. Signs allowed in all Commercial and Industrial Districts, as established in Chapter 3 of this Resolution, for legally established uses:
 - a. Ground [Freestanding] signs
 - i. Number – 1 per street frontage maximum with a minimum sign separation of 50 feet measured from the closest edge of each sign
 - ii. Sign Area – shall not exceed 50 square feet; or a property with multi-tenants shall not exceed 100 square feet
 - iii. Height – shall not exceed 10 feet
 - iv. Illumination – Internal and external lighting
 - v. Changeable Copy – 50% of the sign area may contain changeable copy messages
 - b. Wall and Graphic signs
 - i. Number – Square footage of signs shall not exceed total allowable square footage on the wall.
 - ii. Sign Area – Total allowable square footage of wall and graphic signage shall not exceed 10 percent of the front

façade. For a property with multi-tenants the total allowable square footage of wall and graphic signage shall not exceed 10 percent of the front façade of the tenant space. The total sign area shall be the sum of all signs on the wall including signs on the wall surface, projecting signs, graphic signs, and awnings.

iii. Illumination – Internal and external lighting

c. Projecting signs

i. Sign Area – Shall not exceed 18 square feet in area. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.

ii. Height – Shall not exceed the roofline of the building, but shall have a minimum clearance from the bottom of the sign to grade of at least 10 feet and shall not constitute a hazard or impediment to pedestrians.

iii. Illumination – Internal lighting only

d. Awning signs

i. Sign Area – Shall not exceed 18 square feet in area. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.

ii. Height – Shall not exceed the roofline of the building, but shall have a minimum clearance from the bottom of the sign to grade of at least 8 feet and shall not constitute a hazard or impediment to pedestrians. Any fabric awning valance may not extend more than 1 foot below the rigid mount of the awning.

iii. Location – The sign shall be flat against the surface of the awning. Only one sign is allowed over each door or window. For a property with multi-tenants only one sign is allowed per tenant.

iv. Illumination – Not allowed

e. Canopy signs

i. Number – 1 sign per canopy face

ii. Sign Area – Shall not exceed 15 square feet per canopy face

- iii. Height – The sign shall not extend beyond the vertical edge of the canopy to which it is attached
 - iv. Illumination – Internal lighting only
 - f. Entryway Flags not otherwise allowed
 - i. Number – 3 per lot maximum
 - ii. Sign Area – Shall not exceed 32 square feet per flag
 - iii. Height – Sign and sign structure shall not exceed 24 feet
 - iv. Illumination – External lighting only
 - g. Outline lighting
 - i. Sign Area - 3 linear feet of outline lighting per 1 linear foot of building frontage
 - ii. Height - 24' maximum
- 4. Signs located in PUD Districts, as established in Chapter 3 of this Resolution
 - a. Signs in PUDs containing residential-type uses only shall abide by requirements in this chapter for signage in residential areas generally.
 - b. Signs in PUDs containing office/institutional- type uses only shall abide by requirements in this chapter for signage in office/institutional uses generally.
 - c. Signs in PUDs containing commercial or industrial-type uses only shall abide by requirements in this chapter for signage in commercial or industrial-type uses generally.
 - d. Signs in PUDs containing mixed uses shall abide by the provisions in this section that most closely resemble the use, with such determination to be made by the Planning Director.

1206 Temporary Signage

A. Residential Areas

Temporary signage may be posted on any lot in a residential district at any given time. Temporary signage shall adhere to the following;

- 1. Any such signs shall be removed within 48 hours of no longer serving a purpose.

2. No single temporary sign in a residential area may exceed 16 square feet in area.
3. Sign height for all lots – 6 feet maximum for freestanding signs.
4. Illumination of temporary signage is prohibited.
5. Temporary signs are not allowed in the right-of-way and shall meet the Setbacks and Placement guidelines contained in this Chapter.
6. Election signage shall be regulated by the Tennessee Freedom of Speech Act of 2017 as may be amended. In the event of a conflict between this chapter and the statute, the statute shall govern.

B. Office/Institutional and Commercial/Industrial Areas

Temporary signs shall be limited to 2 per lot at any given time. Temporary signage shall adhere to the following;

1. Portable signs are prohibited.
2. Any such signs shall be removed within 48 hours of no longer serving a purpose.
3. Within Office/Institutional and Commercial/Industrial areas, no single temporary sign may exceed 32 square feet in area.
4. Sign height – 6 feet maximum for freestanding signs.
5. Illumination of temporary signage is prohibited.
6. Temporary signs are not allowed in the right-of-way and shall meet the setback and placement guidelines located in this Chapter. Signs which are deemed to be illegally placed in the right of way may be removed and disposed of by the County.
7. Election signage shall be regulated by the Tennessee Freedom of Speech Act of 2017 as may be amended. In the event of a conflict between this chapter and the statute, the statute shall govern.

C. Directional Signs

Temporary Directional Signs are allowed in all zoning districts using the criteria of this Subsection. In addition, the following criteria shall also apply:

1. In order to avoid the placement of a series of signs along several miles of roadway, no more than 5 signs shall be allowed per event. No more than 2 temporary directional signs advertising the same event may be on one lot.
2. Up to 4 directional signs are allowed per intersection. Each event is allowed only 1 sign per intersection. If the number of signs at an

intersection exceeds 4, all directional signs may be removed by the Director of Building Codes or an authorized representative.

1207 Permitting Procedure

A. Permit Required

Unless specifically listed as being a “No Permit Required” Allowed Sign as set forth in this Chapter, no sign shall be erected, altered, or relocated after the effective date of this resolution until a sign permit has been secured. The permit process is intended to review compliance with height, dimensional, construction and other similar provisions of this resolution. It is not intended to review the content of the message to be displayed.

B. Application

Applications for sign permits shall contain the following information:

1. Application Form – Prior to obtaining a sign permit an applicant shall obtain a signage compliance form from the Planning Department. The application shall contain the following information:
 - Name, address, phone, and if available, fax and e-mail of the property owner;
 - Name, address, phone, and if available, fax and e-mail of sign contractor/applicant;
 - Address of the property where sign will be located;
 - Identification of the type of sign (wall, ground, etc.);
 - Name of the business to which the sign belongs;
 - Description of sign plans and specifications. The method of construction and/or attachment to a building, or in the ground, shall be explained in the plans and specifications.
 - The zoning district in which the sign is to be placed;
 - A notice stating: “Any change in the information in this application shall be submitted to the department within 7 days after the change.” Unapproved changes shall result in the signage compliance form being void.
 - Any other information deemed necessary to determine compliance with these sign regulations.
2. Scaled site plan showing location of the sign on the site with setbacks accurately dimensioned. The site plan should also show the location of all existing buildings, roads, parking areas, signs, and entrances/exits on the site.
3. Two copies of a scaled schematic of the proposed sign showing:

- Height of the finished sign above finished grade;
- Surface of the sign (material, color and dimensions);
- Dimensions and display area of the proposed sign;
- Any proposed illumination;
- Additional information as deemed necessary to ensure compliance with these regulations.

C. Review Procedures

1. Applications for sign permits shall be reviewed for compliance with the resolution by County staff. Applications will be considered incomplete if they lack any of the information listed in this section and will not be reviewed. After acceptance of a complete application, the Planning staff shall inform the applicant within 14 days whether the application is either approved or denied.
2. Reasons for denial shall be made in writing to the applicant.
3. Approved applications shall receive a sign permit.

D. Permit fees

Permit fees for signs shall be established by resolution by the Sumner County Board of Commissioners.

E. Inspections required

The Department of Building and Codes shall require all ground signs to have a location inspection prior to issuance of a sign permit to assure location and setback compliance.

F. Permit Expiration

1. Sign permits shall become null and void 6 months from the original date of issuance if the work authorized under the permit has not been commenced by that time.
2. Sign permits for projects that have been commenced but not completed and which no work has been done for over 6 months will also become null and void.
3. Sign permits which have become null and void will need to follow the application procedures in this Section for re-approval and must pay all applicable fees.

1208 Enforcement and Appeals

A. Enforcement

Consistent with Chapter 14 of this Resolution, these sign regulations shall

be administered and enforced by the Director of Building Codes, who shall have the power to make inspections of buildings and premises necessary to carry out his or her duties in the enforcement of these regulations.

B. Impoundment/Disposal of Illegal Signs

The County shall have the authority to remove, without notice, any illegal sign on public property or in a public right-of-way. Such signs shall be considered litter and shall be subject to disposal.

C. Violations and Penalty

Consistent with Chapter 14 of this Resolution, any person, firm, or corporation violating any of the provisions of this Resolution shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$50.00. Each day's continuance of a violation shall be considered a separate offense. In addition to the party violating this Resolution, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

D. Appeals

Any person aggrieved by the decision of the Planning Director, the Director of Building Codes, or any County officer in relation to enforcement of these sign regulations may appeal to the Sumner County Board of Zoning Appeals as provided for in Chapter 14 of this Resolution. All applications and processing of appeals shall be in accordance with the Rules of the Board and with applicable county and state law.

E. Variances

Any person may petition the County for a variance to these regulations. In addition to the procedures for variance petitions contained in Chapter 14 of this Resolution, the Board shall consider the following when reviewing those requests relating to signs:

1. A variance to sign regulations may be approved where the literal enforcement of the provisions of this Resolution would result in an unnecessary hardship, and where such variances are deemed necessary to permit a sign on a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that a sign cannot be placed on the parcel in a manner commensurate with those signs allowed on other parcels of land in the same district. The modification of the standards established in this Resolution shall not be granted to relieve a self-created or personal hardship, not for financial reason alone, nor shall such modification be granted to permit any person a privilege in placing a sign on a parcel of land not allowed by this Resolution to

other parcels of land in that district.

2. A hardship is intended to include a change in elevation or curve in a roadway which obstructs visibility.
3. No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The Board is not authorized to grant a variance of the zone in which a sign is allowed.
4. In order to make a finding of hardship and to grant a variance, the Board shall find:
 - a. The requested variance does not eliminate any requirement of this Resolution and does not allow any prohibited signs;
 - b. That the special circumstances of the subject property are not the result of the actions of the applicant, the owner of the property, or a self-induced hardship;
 - c. The hardship is peculiar to the property of the applicant and the variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges allowed to other properties in the vicinity and zone in which the subject property is located. Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance;
 - d. That the literal interpretation and strict application of the provisions and requirements of the sign regulations would cause undue and unnecessary hardship because of the unique or unusual conditions pertaining to the specific building, parcel, or subject property;
 - e. That the variance is not granted for the convenience of the applicant, or for the convenience of regional or national businesses which wish to use a standard sign;
 - f. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located.
5. A variance is only for the particular sign for which it was granted and any attempt to change the sign terminates the variance. A change or alteration of a sign requires a new permit, without considering any prior variance or previous Resolution. If a sign face is removed from a non-conforming sign, then all appurtenant hardware, including the sign cabinet/case associated with that face shall also be removed.

CHAPTER 13

NONCONFORMING USES, LOTS AND STRUCTURES

Sections:

- 1301 Nonconformities Generally
- 1302 Nonconforming Uses
- 1303 Nonconforming Structures
- 1304 Nonconforming Lots
- 1305 Nonconforming Signs
- 1306 Other Legal Nonconformities
- 1307 Damage or Destruction of Nonconformities

1301 Nonconformities Generally

A. Purpose

Upon adoption of this Resolution, there will exist certain uses of land, structures, parcels of record, and signs that were lawfully existing but will hereafter no longer conform to this Resolution's terms and requirements. The purpose and intent of this Article is to regulate the continued existence of those uses, structures, parcels of record, and signs that do not conform to the provisions of this Resolution, or any amendments thereto.

B. Applicability

Any lawful use of land or structure existing on the effective date of this Resolution, or subsequent amendment thereto that is located in a zoning district in which it would not be permitted as a new use, or where the structure or lot does not comply with the applicable dimensional standards, is declared to be a legal nonconformity.

C. Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this Section.

D. Burden of Proof

The burden of establishing that any nonconformity is a legal nonconformity, as defined by this Resolution, shall, in all cases, be upon the owner of the nonconforming use, lot, structure, or sign, and not upon the County.

E. Exception Due to Variance or Other Modification

The requirements of this Section shall not apply to a development standard or feature that is the subject of an approved Variance or a condition of a Special Exception. Where a Variance or condition of a Special Exception has been granted for a development standard or feature that does not otherwise conform to the requirements of this Resolution, that development standard or feature shall be deemed conforming.

- F. Minor Repairs and Normal Maintenance; Restoration to a Safe Condition
1. Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, parcels of record, and signs in a safe condition are permitted, provided the minor repair or maintenance does not extend, expand, or enlarge the nonconforming use, structure, parcel of record, or sign. For the purposes of this Subsection, "minor repair or normal maintenance" shall mean:
 - a) Repairs necessary to maintain a nonconforming use, structure, parcel of record, or sign in a safe condition;
 - b) Maintenance of lot or site areas to protect against health hazards and to promote the safety of surrounding uses.
 2. Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition. Such restoration shall not be in violation of the various provisions of this Article prohibiting the repair or restoration of partially damaged or destroyed structures or signs.
- G. Change of Tenancy or Ownership
- Changes of tenancy, ownership, or management of an existing nonconformity are permitted but shall continue to be subject to the requirements of this Subsection.

1302 Nonconforming Uses

- A. Change of Use
1. A nonconforming use may be changed to a conforming use in accordance with the applicable requirements in this Resolution, but in no event shall a nonconforming use be converted to another nonconforming use or replace an abandoned or discontinued nonconforming use.
 2. A nonconforming use type classified under the Extractive Industry Use Category may not be changed to a nonconforming disposal use or vice versa.
 3. No use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure has ceased or been removed, unless the accessory portion conforms to all regulations of this Resolution. This Paragraph shall prevail over any other provisions of this Resolution that may be interpreted to the contrary.
- B. Expansion and Enlargement of Nonconforming Use
1. Except where otherwise allowed by Tennessee Code Annotated, nonconforming uses shall not be enlarged more than 20 percent of the total square footage of buildings and structures existing at the time the use

became legally nonconforming unless such alteration will bring the use into full compliance with all requirements of this Resolution. Such expansions or enlargements shall meet all applicable dimensional requirements of this Resolution.

2. Except where otherwise allowed by Tennessee Code Annotated, nonconforming use types classified under the Extractive Industry Use Category and nonconforming salvage center use types may not be expanded in any manner.
3. Nonconforming industrial or commercial uses shall be subject to the Section of this Chapter related to Nonconforming Industrial or Commercial Uses.

C. Discontinuance or Abandonment

1. Nonconforming use types under the Extractive Industry Use Category and nonconforming salvage center uses shall not be permitted to renew operations once the use is discontinued or abandoned for six months or more.
2. A nonconforming mobile home that has been abandoned or not used for six months or longer shall be assumed to be abandoned, regardless of any intent to resume or not to abandon the use, and shall be completely terminated.
3. Except nonconforming industrial or commercial uses, all other nonconforming uses that have ceased for three years or greater shall be assumed to be abandoned, regardless of any intent to resume or not to abandon the use, and the use shall be completely terminated. Any new use of the land or structure shall be in conformity with the applicable zoning district.

D. Nonconforming Uses and Floodplains

Nonconforming uses in special flood hazard areas shall comply with the provisions of this Article and Chapter 10.

E. Nonconforming Accessory Uses

A nonconforming use that is accessory to a principal use shall not make the principal use nonconforming.

F. Continuation of Nonconforming Use After Casualty Damage

1. If a nonconforming use is destroyed, or partially destroyed and a Building Permit is not obtained within 18 months, then the structure or use shall not be rebuilt, restored, or reoccupied for any purpose unless it shall thereafter conform to all regulations of this Resolution.

G. Nonconforming Use of Part of a Structure

A nonconforming use in one part of a structure shall not affect the status of conforming uses in other parts of the same structure.

H. Relocation of a Nonconforming Use

A nonconforming use shall not be relocated, in whole or in part, to any other

location in the County unless it is to a parcel where the use will be conforming in accordance with the applicable zoning district.

I. Nonconforming Industrial or Commercial Uses

1. Industrial or commercial uses that become nonconforming under this Resolution shall be permitted to continue in operation provided there is no change in the use of land.
2. Industrial or commercial uses that become nonconforming under this Resolution shall be permitted to expand operations and construct additional facilities that involve an actual continuance and expansion of the activities of the industry or business that existed prior to the effective date of this Resolution provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.
3. Industrial or commercial uses that become nonconforming under this Resolution shall be permitted to demolish the present buildings and structures and then reconstruct new facilities necessary to the conduct of such industry or commercial use that existed prior to the effective date of this Resolution, provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as it was classified prior to the effective date of this Resolution.
4. The provisions of this Subsection apply only to the land area owned and in use by such affected business, and does not allow for the expansion of the nonconforming industrial or commercial use through the acquisition of additional land.
5. Except as provided herein, the provisions shall not apply if an industrial or commercial use ceases to operate for a period of 30 continuous months (or the minimum period provided in the Tennessee Code Annotated Section 13-7-208 and as may be amended, whichever is less) and the industrial or commercial use of the property did not conform with the land use classification as denoted in the applicable zoning district. Anytime after the 30 month cessation (or the minimum period provided in the Tennessee Code Annotated as written and as may be amended, whichever is less), any use proposed to be established on the site shall conform to the provisions of this Resolution. For the purposes of this Subsection, the period of continuous ceased operation shall be tolled by:
 - i. The period in which an industrial or commercial use is party to any action in a court of competent jurisdiction regarding the use of the property until such time that a final settlement, order, decree, or judgment has been rendered;
 - ii. Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary building permits were obtained within 30 months of cessation of continuous use;

- iii. The filing of an application for a Building Permit for the alteration, renovation or reconstruction of a structure which is nonconforming or of a structure in which or out of which a nonconforming industrial or commercial use operates or is located; or
 - iv. The reactivation of the nonconforming use any time prior to the end of the 30 month period (or the minimum period provided in Tennessee Code Annotated Section 13-7-208 and as may be amended, whichever is less) provided, however, that the restrictions of Subsections (I)(5) and (I)(6) shall only apply if the property owner intentionally and voluntarily abandons the nonconforming use of the property. In any contested matter on the use of such property, the government has the burden of proving an overt act of abandonment in such matter.
6. Notwithstanding the provisions of Subsection (I)(3), any structure rebuilt on the site must conform to the provisions of the applicable zoning district in regards to setbacks, height, or other dimensional standards.
 7. Notwithstanding Subsections (I)(1) through (I)(6), Subsection (I)(5) shall not apply to any industrial establishment location where 25 percent or more of the gross annual sales from such location are derived from sales to or contracts with Local, State, or Federal governments or as a subcontractor to contracts with Local, State, or Federal governments, or to any industrial establishment location where 75 percent or more of the gross annual sales from the location are made to agriculture or construction businesses.

1303 Nonconforming Structures

- A. Relationship with Nonconforming Uses
Where a nonconforming structure houses a nonconforming use, the regulations for nonconforming structures and nonconforming uses shall both apply. In case of conflict, the rules for nonconforming uses shall prevail.
- B. Enlargement
Nonconforming structures shall not be enlarged, extended, or modified unless such alteration is in full compliance with all requirements of this Resolution except as specifically allowed by this Chapter
- C. Governmental Acquisition of a Portion of a Parcel
Governmental acquisition of a portion of a parcel for a public purpose that results in reduction in a required yard or building setback below those required by this resolution shall not render the structure legally nonconforming.
- D. Continuation of Nonconforming Structure After Casualty Damage

In the event a nonconforming structure is damaged or destroyed, it may be rebuilt to its previous level of nonconformity so long as the Building Permit is obtained within 12 months after the date the damage or destruction occurred.

E. Relocation of a Nonconforming Structure

1. Nonconforming Principal Structures

A nonconforming principle structure shall not be relocated, in whole or in part, to any other location on the parcel or another parcel in the County unless, once relocated, the structure will be conforming in accordance with the applicable zoning district.

2. Nonconforming Accessory Structures

a) A nonconforming accessory structure shall not be relocated, in whole or in part, to another location on the parcel unless such relocation results in a decrease in the degree of nonconformity and provided that such relocation does not create a new nonconformity.

b) A nonconforming accessory structure shall not be relocated, in whole or in part, to another parcel unless, once relocated, the structure will be conforming in accordance with the applicable zoning district.

1304: Nonconforming Lots

A. Development Prohibited

No use or structure shall be established on a lot of record that does not conform to the standards established in this Resolution, except in accordance with this Subsection.

1. Lots illegally or otherwise improperly created following the original adoption of zoning in Sumner County (July 9, 1973) shall be platted in accordance with the Sumner County Subdivision Regulations prior to obtaining a building permit or any other approval authorized by this section.

i. The existence or previous existence of any permitted or non-permitted structure upon the lot shall not constitute grounds for deviating from this requirement.

B. Unimproved Nonconforming Parcel of Record

If a nonconforming unimproved parcel of record was part of a subdivision or other division of land evidenced by plat or deed, or both, recorded prior to the effective date of this Resolution, any use allowed in the applicable zoning district may be developed on the lot, even though the lot does not meet the minimum lot area, or minimum lot width established in this Resolution provided that the development conforms to all other requirements of this Resolution.

- C. **Governmental Acquisition of a Portion of a Lot or Parcel**
 Governmental acquisition of a portion of a lot or parcel for a public purpose that results in a reduction in lot area, lot width, or setbacks below that which are required in this Resolution shall not render the lot or parcel legally nonconforming.

- D. **Setbacks for Nonconforming Lots**
 The minimum setbacks for a lot that does not meet the lot size requirements for the zoning district in which it is located shall meet one of the following:
 - 1. For lots that have been platted in accordance with the Sumner County Subdivision Regulations, the setbacks shall be governed by that noted on the subdivision plat; or
 - 2. For lots that have not been platted in accordance with the Sumner County Subdivision Regulations, and/or in which all depicted setbacks are not noted, the setbacks in place at the time the lot was created shall govern; or
 - 3. For lots created prior to zoning regulations being enacted in Sumner County, the setbacks shall meet one of the following:
 - i. For lots of less than 40,000 square feet in size, the setbacks shall be the same as for Subdivisions located within the Suburban Residential District; or
 - ii. For lots that are 40,000 square feet or greater in size, the setbacks shall be the same as for Subdivisions located within the Rural Residential District.

1305: Nonconforming Signs

- A. **Enlargement**
 Nonconforming signs shall not be enlarged, extended, or modified, except where otherwise allowed by the Tennessee Code Annotated.

- B. **Replacement, Reconstruction, or Relocation**
 A nonconforming sign shall not be replaced, reconstructed, or relocated in whole or in part to any other location on the same or any other parcel unless the replaced, reconstructed, or relocated sign conforms to the provisions of this Resolution.

- C. **Termination of Nonconforming Signs**
 - 1. Nonconforming signs shall not be changed, expanded, or altered in any manner that would increase the degree of nonconformity, prolong the useful life, or be moved in whole or in part to any other location where it would remain nonconforming, except where otherwise allowed by the Tennessee Code Annotated.

 - 2. **Termination by Damage or Destruction**

Any nonconforming sign damaged or destroyed, by any means, to the extent of one-third (1/3) of its replacement cost, shall be terminated and shall not be restored.

3. Termination by Change of Business

Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in text advertising or relating to the new business.

4. Termination by Discontinuance of Business

Signs that advertise a business no longer conducted or a product no longer sold on the premises where such sign is located shall be terminated and shall not be restored.

5. Termination by Abandonment

Any nonconforming sign, the use of which as a sign is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this Resolution, except where otherwise allowed by the Tennessee Code Annotated. Abandonment shall, in this Section, mean having electricity disconnected for lighted signs, no message, or the failure to repair damaged signs.

1306: Other Legal Nonconformities

- A. Nonconformities other than structures, uses, or signage, which include but are not limited to parking, loading, stacking, access, landscaping, and lighting, which lawfully exists on the effective date of this Resolution, or subsequent amendment thereto, is declared to be a legal nonconformity.
- B. Where other legal nonconformities exist, any additions or expansions to the use or structure, where such addition or expansion is less than 50 percent of the total square footage of the use or structure and is completed over a continuous five-year period, such other legal nonconformities associated with the addition or expansion shall be required to comply with the provisions of this Resolution.
- C. Where other legal nonconformities exist, any additions or expansions to the use or structure, where such addition or expansion is 50 percent or more of the total square footage of the use or structure and is completed over any continuous five-year period, all such nonconformities associated with the use or structure shall be required to comply with the provisions of this Resolution.

CHAPTER 14

ADMINISTRATION AND ENFORCEMENT

Sections:

- 1401 Organization and Purpose
- 1402 Board of County Commissioners
- 1403 Regional Planning Commission
- 1404 Sumner County Board of Zoning Appeals
- 1405 Duties and Powers of the Planning Director
- 1406 Duties and Powers of the Director of Building Codes
- 1407 Duties and Powers of the County Engineer
- 1408 Zoning Compliance Forms, Building Permits and Site Plans
- 1409 Administrative Appeals
- 1410 Zoning Variances
- 1411 Special Exceptions
- 1412 Amendments to Zoning Resolution or Map
- 1413 Remedies and Enforcement
- 1414 Common Review Procedures

1401 Organization and Purpose

A. The administration and enforcement of this Resolution is hereby vested in the following offices and agencies of the government of Sumner County.

1. The Sumner County Board of Commissioners
2. The Sumner County Regional Planning Commission
3. The Sumner County Board of Zoning Appeals
4. County Staff
 - a. Planning Director
 - b. Director of Building Codes
 - c. County Engineer

B. It is the purpose of this chapter to set out the authority of each of these offices and agencies and describe the procedures and substantive standards with respect to the following administrative functions:

1. Issuance of Zoning Compliance Forms and Building Permits
2. Site Plan Review

3. Administrative Appeals
4. Variances
5. Special Exceptions
6. Zoning Text and Map Amendments

1402 Board of County Commissioners

In addition to any other authority granted to the Sumner County Board of Commissioners, hereafter referred to as the County Commission, by the Tennessee Code Annotated, the County Commission shall have the power and duty to hear and make decisions on applications for Official Zoning Map or Zoning Text Amendments.

1403 Sumner County Regional Planning Commission

A. Establishment

The Sumner County Regional Planning Commission, hereafter referred to as the Planning Commission, established heretofore in accordance with the Tennessee Code Annotated, is hereby reestablished and confirmed. The number of members on the Planning Commission, their terms of office, succession, removal, filling of vacancies, and their powers and duties, shall be as provided in this Resolution and the Tennessee Code Annotated.

B. Powers and Duties

In addition to any other authority granted to the Planning Commission by the County Commission or the Tennessee Code Annotated, the Planning Commission shall have the following powers and duties related to this Resolution:

1. To hear and make recommendations to the County Commission on applications for Official Zoning Map or Zoning Text Amendments;
2. To review and make decisions on applications for Site Plans;
3. With the approval of the County Commission, to contract with professional consultants, State agencies, or the Federal government for local planning assistance;
4. To review the subdivision of land in accordance with the Sumner County Subdivision Regulations; and
5. To establish rules of procedure.

1404 Sumner County Board of Zoning Appeals (BZA)

A. Creation of Board of Zoning Appeals

The Sumner County Board of Zoning Appeals, hereafter referred to as “the

BZA”, or “the Board”, established heretofore in accordance with the Tennessee Code Annotated, is hereby reestablished and confirmed as a Board of five members.

B. Membership, Vacancies and Removal

Members of the Board of Zoning Appeals must be citizens of Sumner County. The County Commission shall appoint members and may fix their compensation and terms, which shall be so arranged that the term of only one member’s term will expire each year. Vacancies of said Board shall be filled for the unexpired term of those members whose position has become vacant by appointment of the County Commission, consistent with relevant State Statute. A member may be removed from such Board for continued absences or just cause by action of the County Commission after proper hearing consistent with relevant State Statute.

C. Advisory Opinions

The Sumner County Planning Department and/or the Planning Director may submit an advisory opinion to the Board of Zoning Appeals on any matter which may come before said Board. Such opinion shall be made a part of the official record of the Board.

D. Powers of the Board of Zoning Appeals

The Board is hereby vested with the powers to:

1. Hear and decide appeals where it is alleged in writing by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Director of Building Codes or other administrative official in carrying out or enforcement of any provision of this Resolution;
2. Hear and act upon applications for variances in accordance with State Statute and this Chapter alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this Resolution by reasons of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of such property;
3. Hear and act upon applications for special exceptions in the manner and subject to the standards set out in this Chapter or for interpretations of the official zoning map;
4. Hear and decide all special questions or other matters referred to it

on which it is required to act under this Resolution.

E. Election of Officers

The Board shall elect from its members its own chairman and vice-chairman, who shall serve for a two-year term and may upon election serve succeeding terms.

The Board shall elect a secretary who may be a member or such other person from county staff as the Board and County Mayor shall approve. It shall be the duty of the secretary to keep all records, conduct official correspondence, and supervise the clerical work of the Board.

F. Conflict of Interest

Board members shall abide by The Code of Ethics for Sumner County as adopted by the Sumner County Board of Commissioners.

G. Meetings of the Board

Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman may participate in all discussions and shall vote as a member of the board. The chairman, or in his/her absence the vice-chairman, may administer oaths and compel the attendance of witnesses. In the absence of the chairman and vice-chairman, and a quorum is present for a regular or special meeting, then a chairman pro-tem for such meeting shall be elected from those present by those members present. All meetings shall be open to the public and proper public notice of such meetings shall be given.

H. Public Notice

No action shall be taken by the Board on any application until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation no less than 10 days before the date set for a public hearing. Written notice shall be sent to the applicant via regular mail no less than 10 days prior to the meeting at which the action is to be heard. Further, all adjacent property owners shall receive notice of the time and place for each public hearing via certified mail.

I. Rules and Proceedings of the Board; Public Notice

The Board shall adhere to the following rules and may adopt additional rules for the conduct of its meetings:

1. A quorum (Majority of membership) shall be present to transact official business of the Board of Zoning Appeals. Approval of a simple majority of those present shall be required to pass a motion unless otherwise provided in this Resolution;

2. No application shall be considered and heard by the Board unless such application shall have been filed within the submittal calendar as established by Planning Department and approved by the Board of Zoning Appeals;
3. The Board may call upon any other office or agency of the county government for information in the performance of its duties, and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required;
4. Any officer, agency, or department of the county or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by state law;
5. All matters voted on by the board shall be put in the form of a motion by one of the board members and seconded by another board member. A motion may be amended in accordance with Robert's Rules of Order. The chairman shall conduct the voting by asking for either a roll call vote or voice vote, as deemed appropriate by the chairman.
6. In any decision made by the Board on a variance, the Board shall:
 - a. Indicate the specific section of this Resolution under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare";
 - b. In applications pertaining to hardship, specifically identify the hardship warranting such action by the Board;
7. Any decision made by the Board on a special exception permit shall indicate the specific section of this Resolution under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare" and shall state clearly the specific conditions imposed in granting such permit;
8. Applications will be assigned for hearing in the order in which they appear on the calendar thereof, except that applications may be advanced for hearing by order of the Board, good and sufficient cause being shown;
9. At the public hearing of the application before the Board, the applicant shall appear in his/her own behalf or be represented by counsel or agent. The applicant's side shall be heard first and those in attendance shall then be given opportunity to comment.
10. Re-hearings may be granted by a majority vote of the Board when it is alleged that there was error or mistake in the original facts or upon

introduction of new information not available at the original hearing. A vote of the Board shall not be reversed on the same set of facts.

11. The Board of Zoning Appeals shall keep official minutes of the proceedings showing all motions, votes and testimony as well as all official actions.
12. When a parliamentary matter arises that is not covered by these by-laws, Robert's Rules of Order shall apply.
13. Deferral of the Public Hearing before the Board of Zoning Appeals. It is the policy of Board of Zoning Appeals that any requests to defer their consideration of an appeal/special exception/variance application be submitted to the Planning Director in writing prior to the scheduled public hearing.
 - a. If a deferral request is granted, then notices of such deferral (if time permits) and of the next public hearing date will be mailed to those who received the original notice of the Public Hearing at the applicant's expense. Applicants requesting a deferral will be charged the cost of preparing and mailing new notices of public hearing.
 - b. Applicant-initiated deferrals may not defer an application for a period exceeding three (3) months from the original Board of Zoning Appeals public hearing date of said application. Any application not considered before the three (3) month deferral timeframe will be required to submit a new application, along with any required fees, and will be subject to the regulations in effect at that time.

J. Fee

Any application for a hearing before the Board shall be accompanied by a nonrefundable fee in an amount established by the County Commission to partially defray the cost of processing.

1405 Duties and Powers of the Planning Director

The Planning Director or an authorized representative shall:

- A. Maintain permanent and current records of this Resolution, and subsequent amendments, including, but not limited to, all maps, amendments, special exceptions, variations, appeals and applications therefore;
- B. Initiate, direct and review, from time to time, a study of the provisions of this Resolution, and make reports of the recommendations to the Sumner County Regional Planning Commission;
- C. Analyze and report on all requests for amendments to the Sumner County Regional Planning Commission and Board of Commissioners;

- D. Make analyses and recommendations to the Board of Zoning Appeals on all requests for interpretations, variances and special exceptions and any matter requested by the Board;
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to pass under the provisions of this Resolution;
- F. Provide information to the public on provisions of this Resolution as requested;
- G. Receive, file and forward to all necessary agencies all applications for special exceptions;
- H. Issue zoning compliance forms;
- I. Coordinate with the other County Departments as necessary to carry out the intent of this Resolution;
- J. Render an interpretation on any regulatory provision of this Resolution and in the process may consult with the county attorney if deemed necessary.

1406 Duties and Powers of the Director of Building Codes

The Director of Building Codes or an authorized representative shall enforce the terms of this Resolution and in furtherance of said authority shall:

- A. The Director of Building Codes shall have the power to grant building permits and use and occupancy permits, and make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Resolution.
- B. It shall be unlawful for the director to approve any plan or issue any permits and/or certificates of occupancy for any excavation or construction until site plans have been approved consistent with this Chapter.
- C. The director shall not refuse to issue a permit when conditions imposed by this Resolution have been met by the applicant despite the violations of contracts such as covenants or private agreements which may occur upon the granting of said permit.
- D. To undertake additional duties and responsibilities related to floodplains as outlined in Chapter 10, Flood Hazard Districts.

1407 Duties and Powers of the County Engineer

In addition to any other authority granted to the County Engineer by the County Commission or the Tennessee Code Annotated, the County Engineer shall have the following powers and duties related to this Resolution:

- A. To review and provide comments to the Planning Director on applications for

Minor Site Plans, Major Site Plans, Zoning Compliance Forms, and Temporary Use Permits;

- B. To review construction and drainage plans for subdivisions and formulation of recommendations for the Planning Commission and the monitoring of subdivision construction;
- C. To undertake additional duties and responsibilities related to floodplains as outlined in Chapter 10, Flood Hazard Districts.
- D. To review construction and drainage plans for County owned facilities and to provide input thereupon.

1408 Zoning Compliance Forms, Building Permits and Site Plans

A. Zoning Compliance Form Required

No building or other structure shall be erected, moved, added to or structurally altered without a zoning compliance form issued by the Planning Director.

Except as hereinafter provided, no zoning compliance form pertaining to the use of land or buildings shall be issued by any office, department, or employee of the county unless the application for such form has been examined by the Planning Director indicating that the proposed building or structure complies with all the provisions of this Resolution. Any zoning compliance form issued in conflict with the provisions of this Resolution shall be null and void.

To receive a zoning compliance form for One- and Two- Family Residential Buildings or Residential Accessory Structures, an applicant shall submit a concept plan showing the following:

1. The actual shape, location and dimensions of the lot;
2. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot;
3. The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate;
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Resolution are being observed.

B. Building Permits Required

1. No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Director of Building Codes.
2. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any office, department, or employee of the county unless the application for such permit has been examined by the Director of Building Codes indicating that the proposed building or structure complies with all the provisions of this Resolution and the adopted building code.
3. Any building permit or certificate of occupancy issued in conflict with the provisions of this Resolution shall be null and void.
4. No land or building or part thereof, hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this resolution.
5. In cases of natural disaster, including but not limited to tornado; lightning strike; or flood or fire due to an act of nature; fees for the issuance of a building permit may be waived in the sole discretion of the Director of Building Codes. Any person aggrieved by the decision of the Director of Building Codes may request relief from the Board of Zoning Appeals by submitting a request in writing describing the permit sought and the necessity for fee waiver. The Board of Zoning Appeals may in its discretion overrule the decision of the Director of Building Codes.

C. Site Plans Required

All applications for building permits, except one- and two-family dwellings and residential accessory structures shall be accompanied by a site plan meeting the requirements herein and with sufficient copies to provide for staff and Sumner County Regional Planning Commission distribution. A site plan is not required when an existing building is converted from one permitted use to another permitted use and no additional construction is required and no additional impervious surfaces is to be added to the site.

The approval of any site plan shall lapse at the end of eighteen (18) months after the date of approval unless a building permit is issued. After eighteen (18) months if there is no valid building permit associated with the site plan then the site plan will be deemed to have expired. An expired site plan will require a new submission meeting all zoning requirements including any amendments since the original approval.

All site plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared (e.g. site layout and drainage by civil engineers, boundary survey

by surveyors, landscape plans by landscape architects)

1. Site Plans that can be reviewed and approved administratively by staff are as follows:
 - a. Nonresidential accessory buildings or additions less than 3,000 square feet
 - b. Parking lot additions with no new building construction
2. Any site plan that is not eligible to be approved administratively must be reviewed by the Sumner County Regional Planning Commission. The Sumner County Regional Planning Commission shall approve, approve with conditions, or deny within ninety (90) days of submittal of a complete application.
3. Applications for site plans shall be filed with the Planning Department according to the schedule for filings established by the Department and shall contain the following information.
 - a. The actual shape, location, bearings, and dimensions of the lot;
 - b. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot;
 - c. The existing and intended use of the lot and of all such building or other structures upon it, including the number of dwelling units the building is intended to accommodate;
 - d. Topographic features (contours not greater than two (2) foot intervals);
 - e. Location of all driveways and entrances;
 - f. Location of all accessory off-street parking areas showing design and layout of such parking facilities;
 - g. Location of all accessory off-street loading berths;
 - h. Location of open space and outdoor storage areas;
 - i. Proposed ground coverage, impervious surfaces, floor area, and building heights;
 - j. Position of fences and walls (materials specified);
 - k. Detailed landscaping plans consistent with Chapter 11 of this Resolution;
 - l. Location of utilities using best available information (Including,

but not limited to, sanitary sewers or septic tanks and field lines, storm sewers, water mains and sizes, and fire hydrants);

- m. Location, type, and size of proposed signs;
- n. Proposed means of surface drainage including drainage calculations and buffer zone requirements consistent with the Sumner County Stormwater Resolution;
- o. Location of all easements and rights-of-way;
- p. For any site subject to flooding, the limits of floodway and fringe areas, the regulatory flood elevation and regulatory flood protection elevation, and the minimum first floor elevation;
- q. The stamp and name of the registered engineer, architect, landscape architect, or surveyor preparing the plan;
- r. Where subsoil sewage disposal is anticipated, certification from the Department of Environment and Conservation, Division of Ground Water Protection approving the lot for such use;
- s. Documentation from the water provider regarding the ability of existing water lines to support a fire hydrant.
- t. Property zoning/setbacks
- u. Surrounding zoning
- v. Utility certifications

4. Site Plan Deviations

a. Substantial Deviations

If a proposed amendment to a site plan deviates substantially from the approved site plan, such approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:

- i. A 5% or greater increase in floor area or number of units.
- ii. A 10% or greater decrease in parking spaces or open space.
- iii. The relocation of any structure, dedicated street, easement or landscape screen in any direction from

the location shown on the site plan for the distances specified below based on the size of the development.

- (1) 25 ft. or more for site plans to two acres or less.
- (2) 50 ft. or more for site plans of more than two acres but less than eight acres.
- (3) 100 ft. or more for site plans of eight acres but less than 20 acres.
- (4) 150 ft. for site plans of 20 acres or more.

iv. Deviation from any condition imposed by the Board of Zoning Appeals.

b. Minor Deviations

If a proposed amendment to site plan does not meet the criteria above for substantial deviations, it shall be considered a minor deviation from the approved site plan. The applicant shall file a written application for such amendment with the Planning Department who shall administratively act upon such application within ten days of its receipt.

5. As Built Site Plan Required

No certificate of occupancy for a building, structure, or an addition thereto, constructed after effective date of this Resolution, shall be issued until an As Built site plan, per the requirements of the Sumner County Stormwater Resolution, has been submitted to and approved by the County Engineer.

6. Site Plan Design Requirements

All Site Plans submitted must be designed using the following applicable documents: The Sumner County Zoning Resolution, The Sumner County Stormwater Management Resolution, The Nashville Davidson County Metro Stormwater Management Manuals, The Tennessee Erosion and Sediment Control Handbook, the Sumner County Subdivision Regulations and the TDOT Design Manuals, unless specifically stated otherwise below:

a. A stormwater management plan shall be provided in accordance with the County Stormwater Management Resolution for protecting the project area from the potential adverse impacts of stormwater runoff at all phases of the project.

b. The Rational Method may be used in determining peak runoff rates. Storm detention should be designed using the SCS Unit

Hydrograph and TR-20 methodology. An industry accepted hydrology/hydraulics tool is acceptable for calculations or another method as approved by the County Engineer.

- c. Rainfall frequency-duration curves for the Middle Tennessee area (Davidson County/Sumner County) shall be used for all calculations.
- d. The post-development rate of runoff for a development shall not exceed the pre-development runoff rate for the 2, 5, 10, 15, 25, and 50-year storm events.
- e. The design of the stormwater drainage system shall be based on a storm frequency of 10-year event. This criterion shall be applied to both open and closed conduit systems.
- f. Retention / Detention areas shall be designed with sufficient hydraulic capacity for a 50-year storm event. The emergency spillover must have the capacity for the 100-year storm event.
- g. All storm sewer outfalls shall be so designed, by reason of elevations of the invert, by the installation of pumps, or by other features, that when the receiving stream is under 100-year flood conditions, the storm sewers will continue to drain the areas they are designed to serve unless the provision is made for sewer backups into planned storage locations.
- h. All ditches and drainage swales shall be a minimum of twelve (12) inches in depth, a 3:1 slope on all banks, and one percent (1.0%) minimum slope throughout the length of the ditch or swale. Minimum 20% freeboard will be provided.
- i. The Design Engineer must evaluate the next two (2) downstream structures from the development. If structures cannot handle post-construction flows then the applicant must upgrade structures to handle post-construction flows.
- j. Design must account for both off-site and on-site storm water drainage.
- k. The maximum HW/D shall be equal to 1.2 for pipes greater than 24-inches and 1.5 for pipes 24-inches or smaller unless approved by the County Engineer.
- l. Detention storage volume shall be drained within 24 hours for quantity calculations. Drawdown may be accomplished by a County Engineer approved outlet structure.
- m. Stormwater must be discharged into the natural drainageway by connecting the drainageway at natural elevations, or by discharging the stormwater into an existing facility of sufficient

capacity to receive it.

- n. The design discharge at the outlet of drainage systems shall not result in velocities that equal or exceed the erosive velocity of the receiving channel, unless energy dissipation and erosion protection measures are placed at the outlet. Energy dissipation and erosion control devices shall have no overfall at the terminal end and shall discharge onto a stable section. The terminal section shall be considered stable if the terminal section design velocity is less than the erosive velocity.
- o. All bridges (including boxes and culverts at major crossings or streams) shall be designed for the 100 year storm event. The design flow shall consider runoff from the total tributary area and will require stream channel routing, as approved by the County Engineer.
- p. Developments must comply with water quality standards set forth in the Sumner County Stormwater Management Resolution.
- q. Developments must comply with all stream buffer widths set forth in the Sumner County Stormwater Resolution and TDEC requirements.
- r. All erosion and sediment control measures shall comply with the Sumner County Stormwater Management Resolution.
- s. Developments must have a twenty-five (25) foot Water Quality Buffer on all sinkholes. This measurement is taken from the outer edge of a defined throat. If a sinkhole does not have a defined throat then a twenty-five (25) foot radius is taken from center of depression, at the discretion of the County Engineer.
- t. Sinkholes may not be utilized as part of the drainage system unless an overflow outlet is provided as well as injection well approval by TDEC. Any site plans that utilize sinkholes for drainage must have an alternate drainage plan approved by the County Engineer.
- u. Any development that adjoins or encompasses a portion of the 100-year floodplain and proposes alterations to the floodplain must submit all documentation (calculations, No-Rise certificate, etc.) to the County Engineer for approval as well as gain approval from FEMA.
- v. In addition to other required information, where a development adjoins or encompasses a portion of the 100-year floodplain the applicant shall not alter any channel in such a way that would prohibit any section of the channel from conveying, in

its post-development state, the same amount of flow at the same or lower maximum water elevation, that it conveyed in its pre-development state. The applicant shall furnish the following information pertaining to proposed channel modification:

- i. Cross-sections of the existing and proposed channel.
 - ii. Plan view of the channel showing the location of existing constrictions, obstructions and other non-typical areas.
 - iii. Hydrographs and/or Flood Routing Calculations and Backwater Curve Profiles of the proposed waterway corresponding to a storm recurrence interval of 100 years.
 - iv. Designation on the final plan of all areas reserved for flood routing, retention or storage, together with the required wording pertaining to restrictions, dedications and maintenance responsibilities of such area.
- w. If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the 100-year floodplain shall be credited to the development. In some situations, the design Engineer may submit for consideration to the County Engineer an alternative design with hydraulic justification from this requirement.
- x. Detailed engineering studies shall be submitted for areas of potential flood at the discretion of the County Engineer.
- y. All pertinent stormwater infrastructure must be constructed during the first phase of site construction to eliminate damage to adjacent properties downstream of site.
- z. All stormwater infrastructure required by the Site Plan must be in place and approved by the Sumner County Engineer before a certificate of occupancy will be issued.
- aa. Certification of completion shall be submitted to the County Engineer by a licensed engineer to certify that the completed excavation, grading, drainage, flood elevation and erosion control measures comply with the approved Site Plan. This shall be submitted prior to the issuance of a certificate of occupancy.
- bb. An As-Built drawing of the completed stormwater drainage system must be submitted to and approved by the County Engineer before the issuance of a Certificate of Occupancy.

1409 Administrative Appeals

In exercising its powers, the Board of Zoning Appeals may hear administrative appeals

- A. Application for Appeals, Notice of Hearing
 1. Within five (5) days after the date of a written notice, requirement, decision, or determination by the Director of Building Codes or other administrative official responsible for carrying out or enforcement of any provision of this Resolution, an aggrieved person or entity shall file a notice of appeal.
 2. A written application for an appeal shall be filed with the Planning Department by the property owner or his/her designated Attorney-in-Fact on forms provided by the Planning Department, and the application shall contain information and exhibits as may be essential for determining whether the provisions of this Resolution are being observed.
 3. No more than 60 days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be provided in accordance with this Chapter.
 4. No more than 90 days after the application is first considered by the Board, a final decision shall be made on the application. This provision may be waived by written request by the applicant or if the applicant does not object to an extension proposed by the Board.

- B. Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action for which an appeal is made, unless the Director of Building Codes certifies to the Board, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Director of Building Codes, and on due cause shown.

- C. Final Decision

The final disposition of any appeal to the Board of Zoning Appeals shall be in the form of an Order of Action, which shall affirm, modify or reverse the decision of the Director of Building Codes or other administrative official responsible for carrying out or enforcement of any provision of this Resolution.

1410 Zoning Variances

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.

A. Application for Variances, Notice of Hearing

A written application for a variance shall be filed with the Planning Department by the property owner or his/her designated Attorney-in-Fact on forms provided by the Planning Department, and the application shall contain information and exhibits as may be essential for determining where the provisions of this Resolution are being observed.

No more than 60 days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be provided in accordance with this Chapter.

No more than 90 days after the application is first considered by the Board, a final decision shall be made on the application. This provision may be waived by written request by the applicant or if the applicant does not object to an extension proposed by the Board.

B. Plot Plan Required

At minimum, a plot plan prepared by a licensed surveyor shall be submitted by the applicant to accompany all requests for variances involving construction or placement a new structure. Such plot plan shall depict all property lines, existing and proposed structures, building setbacks, easements and rights of way, septic soil areas, and the depth of any encroachment into any required area.

C. Standards for Variances

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

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Resolution were carried out must be stated;
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
3. The variance will not authorize activities in a zone district other than those permitted by this Resolution;

4. Financial returns only shall not be considered as a basis for granting a variance;
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Resolution;
6. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
7. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and
8. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

These standards do not apply for sign variances. The standards for sign variances can be found in Chapter 12.

D. Nonconformity Does Not Constitute Grounds for Granting of a Variance

No nonconforming use of lands, structures, or buildings in any district shall be considered the sole grounds for the issuance of a variance.

E. Prohibition of Use Variances

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

F. Conditions and Restrictions by the Board

The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out above to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this Resolution.

G. Effect of Denial of Application

Whenever an application for a special exception/variance is denied, an application for the same request involving the same property shall not be eligible for reconsideration for six (6) months following such denial, except

in the following cases:

1. Upon initiation by the Board of Zoning Appeals;
2. When the previous application was denied for the reason that the proposed request would not conform with the land use plan, and the land use plan has subsequently been amended in a manner which will allow the proposed zoning.

H. Variance Appeals

Any person including any agency of the county government aggrieved by a decision of the Board of Zoning Appeals on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

I. Length of Time of a Variance

After the Board of Zoning Appeals grants a variance, the variance shall run with the land regardless of ownership or use.

1411 Special Exceptions

The Board of Zoning Appeals may hear and decide, in accordance with the provisions of this Resolution, requests for special exceptions. For the purposes of administration of this Resolution, special exceptions shall be construed as synonymous with special exceptions, as controlled by relevant State Statute and with the term "Conditional Use Permit" as has historically been used in this context in Sumner County.

A. Application for Special Exception, Notice of Public Hearing

A written application for a special exception shall be filed with the Planning Department by the property owner or his/her designated Attorney-in-Fact on forms provided by the Planning Department, and the application shall contain information and exhibits as may be essential for determining where the provisions of this Resolution are being observed.

No more than 60 days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be provided in accordance requirements outlined with this Chapter.

No more than 90 days after the application is first considered by the Board, a final decision shall be made on the application. This provision may be waived by written request by the applicant or if the applicant does not object to an extension proposed by the Board.

B. Plot Plan or Site Plan Required

All requests for a Special Exception shall be accompanied by a Site Plan or Plot prepared by an appropriately licensed professional. In the event the Special Exception would require the construction of a nonresidential structure and/or additional impervious surface, a Site Plan meeting the requirements of this Chapter must be submitted. In the event the activity requiring the Special Exception will be conducted within an existing structure, and no additional impervious surface is proposed, a Plot Plan must be submitted by the applicant.

C. Requirements for Special Exception

General requirements are hereby established which shall apply to all applications for special exceptions, and specific standards listed shall apply to the issuance of a special exceptions as appropriate.

The Board of Zoning Appeals may impose such other conditions and restrictions upon the premises benefited by a special exception permit as may be necessary to comply with the provisions set out hereafter in this Section in order to reduce or minimize the injurious effect of such special exception upon and ensure compatibility with surrounding property and to better carry out the general intent of this Resolution.

The Board may establish expiration dates for the expiration of any special exception as a condition of approval. A special exception runs with the land and may be transferred to another owner without a rehearing before the Board provided that previously approved conditions can be met, and there is no change of use.

D. General Requirements

A special exception shall only be granted provided the Board makes specific findings that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;
2. Will not adversely affect other property in the area in which it is located;
3. Conforms to all applicable provisions of this Resolution for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.
4. Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

E. Specific Standards for Residential Activities

A special exception shall not be granted for the residential activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Mobile Homes

- a. All applicable use specific standards for mobile homes listed at Chapter 11 of this Resolution shall be met.
- b. New Mobile Homes are not permitted within Sumner County's Planning Region except within the AR District, MHC District and as an Accessory Dwelling Unit requiring a Special Exception from the Board of Zoning Appeals.
- c. Mobile Homes permitted by Special Exception as an accessory dwelling unit shall only be permitted upon lots containing a minimum of 5 acres.
- d. Mobile Homes shall be permitted by Special Exception only in such cases in which the applicant can provide proof of a medical hardship on the part of a relative as defined herein in the form of a physician's note. Such hardship must be clarified as one in which:
 - The relative is a person who requires assistance with two (2) or more activities of daily living, as certified in a writing provided by a physician
 - The existing primary structure must be shown to be inadequate to accommodate the additional occupant or occupants in need of care.
- e. A deed restriction must be recorded which shall state, in addition to any other requirements contained in this Resolution, that the mobile home must be removed by the property owner within thirty (30) days from which the impaired person is no longer receiving care or is no longer in need of assistance.
- f. Such requirements related to special conditions for mobile homes in no way amend or abrogate any rights or entitlements afforded to "Temporary Family Healthcare Structures" as defined in State Statute.
- g. All new or replacement mobile homes shall meet all primary setback requirements for the applicable zoning district.

2. Special Conditions for Major Home-Based Businesses

- a. Major home-based businesses shall have no more than three (3) nonresident employees on the premises at any one time. The number of nonresident employees working at locations other than the home-based business is not limited.
- b. Major home-based businesses shall be limited to the parking/storage of two (2) business vehicles on the premises. Vehicles shall not be stored in the front yard. For the purposes of this section, front yard shall be defined as the area from the front line of the dwelling unit to the property line. Vehicles likewise may not be stored within the public right of way. Vehicles with more than three (3) axles shall not be permitted on lots of less than five (5) acres.
- c. Major home-based businesses shall not use more than 25 percent of the gross floor area of the principal structure. Businesses in approved accessory structures may be permitted to use more than the 500 square feet allowed for minor home-based businesses if approved by the Board of Zoning Appeals.
- d. The Board of Zoning Appeals may require parking beyond what is required for the residential use of the property and may require any additional parking to meet the parking design and maintenance standards found in Chapter 11 of the Zoning Resolution.
- e. Major home-based businesses shall not create more than ten (10) customer/client visits in any one day and no more than five (5) customers/clients can be present at any one time.
- f. The following activities shall not be approved as major home-based businesses by the Board of Zoning Appeals:
 - Medical and dental clinics/hospitals
 - Restaurants, clubs, drinking establishments
 - Undertaking and funeral parlors
 - Adult Entertainment, as defined in Appendix A
- g. Outdoor storage of any material used in connection with the home-based business, is permitted with Board of Zoning Appeals approval.
- h. Signage for home-based businesses shall be limited to five (5) square feet and shall be attached to the principal or accessory structure where the business is located. Only one (1) sign per residential lot is permitted.

3. Special Conditions for Semi-Permanent Residential

- a. The lot size shall be twice the district requirements, and the minimum development area per unit shall be five thousand (5,000) square feet.
 - b. The building shall be approved for such use by the Sumner County Building and Codes Department.
4. Special Conditions for Non-Commercial Storage Facility, Workshop, or Other Structure for the Private Use of the Landowner
- a. The property must be at least 40,000 square feet in size.
 - b. The size of the structure must conform to the size limitations of accessory buildings found within Chapter 11.
 - c. The structure must meet all applicable setback, height and lot coverage regulations.
 - d. Only one such (1) structure will be permitted per property, excluding approved agricultural structures (i.e. barns, silos, etc.).
 - e. Outdoor storage of any material/vehicles is prohibited.
 - f. The structure must not be used for any of the following activities:
 - i. Living quarters
 - ii. Commercial activities
 - iii. Storage for businesses that occur off of the property, including home-based businesses

5. Special Conditions for Cluster Residential Developments

The following standards and requirements shall apply to all applications seeking to utilize provisions related to Cluster Residential Developments:

a. Intent

The intent of these provisions is to permit greater flexibility for creative design, and to achieve superior scenic and environmental quality and recreational opportunity close to home by providing for residential subdivisions that incorporate permanent local open space accessible to all residential lots. Instead of the conventional subdivision procedure that results in homes more or less evenly spaced throughout the site, these provisions allow individual lot and yard size requirements to be reduced to permit closer grouping or "clustering" of homes on

a portion of the site, but without increasing the overall density of the underlying base zoning.

b. Applicability

These standards may be applied to proposed developments as depicted within Appendix B when all criteria of this section of the zoning Resolution are met.

c. Procedures

i. The applicant shall first submit a Master Concept Plan along with all supporting documentation for the overall development to the Board of Zoning Appeals. The Board shall evaluate the application for completeness and for total compliance with these standards. Following determination that all requirements are met, the Board of Zoning Appeals may grant a Special Exception in accordance with the requirements at Chapter 14. Required supporting documentation shall include:

- a. Proof of adequacy and availability of public water for the development from the relevant utility;
- b. Proof of adequacy of plans for wastewater disposal for the development from the State of Tennessee;
- c. Proof of electric availability from the relevant utility;
- d. Traffic impact analysis as may be required by the County Engineer.

ii. Following issuance of a Special Exception, all residential and open space components of the application shall follow the same approval procedures as a Major Subdivision as outlined in the Sumner County Subdivision Regulations.

iii. All commercial components of a Cluster Residential Development shall follow the same approval procedures outlined for Major Site Plans per this Resolution, and a Site Plan shall be submitted to the Planning Commission for each Nonresidential structure as outlined in Chapter 14.

d. Development Standards

i. Gross Density: The total number of dwelling units on

the site cannot exceed that permitted by the underlying base zoning.

- ii. Permitted Housing Types: Only dwelling types permitted by the underlying base zoning shall be allowed, and in no case shall mobile homes be permitted.
- iii. Minimum Number of Dwelling Units: An application seeking to utilize these standards must contain at least fifty (50) dwelling units.
- iv. Minimum Amount of Preserved Open Space: Forty (40) percent of the entire site.
- v. Minimum Lot Size, Width and Yard Requirements: None
- vi. Sidewalks shall be constructed along both sides of the street if the development is along both sides of the street. No payments in lieu of sidewalks shall be accepted for Cluster Residential Developments.
- vii. Structure Location Requirements:
 - Minimum distance between structure and street right-of-way line: Thirty (30) feet, provided that 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.
 - No single-family dwelling shall be erected within a distance of less than seven (7) feet from any other single-family dwelling.

e. Convenience Commercial Services

Food and drug stores, beauty and barbershops, coin laundries, small restaurants and cafes, and similar commercial facilities may be permitted within Cluster Residential Developments of two hundred (200) units or more for the purpose of serving local residents. Such facilities must be designed as an integral part of the development, and external advertising or other characteristics that would alter the residential scenic quality, noise level or traffic load shall be minimal. Commercial facilities shall not be established before residential construction commences.

f. Local Open Space

i. Local Open Space Design

Subdivision plats proposed for approval under the provisions of this section shall include local open space that is designed

to be contiguous system of space and not isolated pockets. Open space should also be designed to be able to connect with the open space of adjacent developments. Open space shall not be designed to only function as peripheral buffering for the development, and it shall have direct access to a public street for a minimum of 15 contiguous feet in order to be readily accessible to pedestrians.

ii. Environmentally Constrained Lands

To avoid the provision of open space that is not usable by residents, no more than fifty (50) percent of the lands credited toward the required minimum amount of open space may be environmentally constrained. Such lands include wetlands, one hundred (100) year floodplains, and lands with slopes exceeding twenty (20) percent. Areas reserved for waste water disposal (i.e. STEP systems) may not be utilized as open space or counted toward any open space requirements.

iii. Permitted Local Open Space Uses

Open space containing natural features worthy of preservation may be left unimproved. Permitted uses for open space may include, but are not limited to:

- Pedestrian, bike and multi-purpose trails;
- Passive recreation areas, including pocket parks;
- Active recreation areas, such a ball fields and playgrounds, provided that they are limited in impervious area to 10 percent of the required open space.
- Greenbelts that serve as a buffer between land uses, using existing vegetation, or an aesthetic amenity such as boulevard trees;
- Agriculture or pasture uses; and
- Preservation of important natural features.

g. Open Space Operation and Maintenance Standards

The operation and maintenance of open space to be reserved pursuant to these standards shall conform to the requirements of Chapter 8 of this Resolution related to “Protection and Maintenance for Open Space Set Asides” and “Homeowner’s and Property Owners’

Association Standards". In the event that any portion of these standards for Cluster Residential Developments shall conflict with any requirements contained within Chapter 8, these standards shall govern.

F. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established in this section are met as part of the condition for issuing the exception in the applicable zone districts.

1. Special Conditions for Administrative Services

- a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- b. The parking, to the extent possible, shall be screened from the public right-of-way.

2. Special Conditions for Community Assembly

- a. When located in a residential area, the design of such facilities to the extent practical shall reflect similar design elements of the area in which they are located. The element should consider building height, building materials, rooflines, setbacks and building coverage.
- b. An application for a community assembly shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including, but not necessarily limited to, those uses which would require a special permit if not a part of the community assembly use.
- c. The BZA shall have authority to approve an on-site location with utility connections for accommodations for recreational vehicles for use by visiting or traveling speakers or guests associated with the community assembly use. Provided, however, such location for recreational vehicles shall not be permitted for use as a permanent residential dwelling unit.

3. Special Conditions for Community Education

- a. Private School Facilities must be located on a minimum of 5 acres

- b. Private School Facilities must have no less than 500 feet of road frontage
 - c. Private School Facilities must be located on an Arterial or Collector Street per the Sumner County Major Thoroughfare Plan
 - d. Private School Facilities must be set back from the front property line no less than 100 feet along a Collector Street, and 150 feet along an Arterial Street.
 - e. Proposed plan documents related to Public School Facilities are encouraged to be submitted to the County Planning Director and County Engineer for review and comment; no formal Planning Commission or Board of Zoning Appeals approvals are required.
4. Special Conditions for Extensive Impact Facilities
- a. Access to such facility shall be by a paved public road and such road shall be either an arterial or collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
 - b. Provide evidence that all permits and approvals required by local, state, or federal environmental laws or regulations including but not limited to water and air pollution laws, have been or will be secured and that such use shall be operated in accordance with any such local, state, or federal laws or regulations.
 - c. Site Plan approval shall be required consistent with provisions contained in Chapter 14 of this Resolution.
 - d. At the discretion of the County Engineer, a reclamation plan shall be submitted for review and approval.
5. Special Conditions for Health Care Facilities
- a. No hospital or center for observation or rehabilitation shall be permitted on a zone lot unless the lot contains a minimum of five (5) acres.
 - b. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one or two story building, increased by five (5) feet for each story above two (2).
6. Special Conditions for Institutional Care Facilities
- a. The lot size shall be twice the district requirements, and the minimum development area per unit shall be five thousand (5,000) square feet.

- b. The building shall be first approved for such use by the Sumner County Building Codes Department.

7. Special Conditions for Minimal Impact Facilities

- a. General Standards

- i. Access to such facility shall be by a paved public road. Proposed facilities not located on an Arterial or Collector street must provide a traffic impact analysis meeting the requirements of this Resolution accompanied by any required fees. In no case whatsoever shall traffic be directed through residential subdivisions or on minor residential streets.

- b. Specific Uses

- i. Retreats

- (1) An application for a retreat shall include a concept plan and a complete description of all activities proposed to occur on the property that shall include, at a minimum, the following information:

- The size of the proposed facility including a floor plan showing the assembly area and other areas;
- The expected number of events per year;
- The maximum number of attendees per event;
- The number of employees;
- The hours of operation;
- Provision of overnight accommodations, duration, etc.;
- Provision of restroom facilities;
- Proposed lighting;
- Sound amplification to be used;
- Temporary structures or tents to be used in association with planned events;
- Proposed signage;
- Security to be provided;
- Location of trash receptacles;
- Traffic management and parking plans;
- Other documentation as required.

- (2) In addition to the Site Plan Requirements contained in this Resolution, Retreats also

must meet the following standards:

- Minimum acreage – 15 acres. Applications for properties less than 15 acres in size will need to seek a rezoning to Planned Unit Development using the process described in Chapter 9 of this Resolution and the standards in this subsection.
- The maximum number of events during any calendar year is 30. Applications for more than 30 events will need to seek a rezoning to Planned Unit Development using the process described in Chapter 9 of this Resolution and the standards in this subsection. For the purposes of this section, an event is defined as a celebration, ceremony, wedding, reception, corporate function or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of said celebration, wedding, etc. This definition does not include uses that are accessory to a single-family residential use, such as private parties, gatherings and similar activities. The burden of proof shall rest with the property owner in determining that activities being held on site are not an “event” as defined herein.
- Parcels must have an unobstructed frontage along a public road consistent with the requirements of the Zoning Resolution. Access drives on private easements will not be permitted.
- Site plan approval is required consistent with Chapter 14 of this Resolution.
- The maximum floor area for all areas used in connection with the Retreat shall be no greater than 2.5 percent of the total lot area.
- Accessory uses can include, but are not limited to; banquet facilities and recreational amenities not intended to be open to the

general public.

- Overnight accommodations shall be accessory to the primary use of the property proposed as a Retreat and shall not be open to the general public as a standalone use. The maximum length of stay for any guest(s) shall be seven (7) consecutive days per singular event.
- Uses approved in this Section shall abide by the Parking Requirements found in this Resolution. Parking areas are not required to be of a hard-surfaced, dustless material but must be approved by the Planning Director. If an agreement cannot be reached with Staff, the Board of Zoning Appeals shall have the authority to determine the surface material to be used. Handicapped parking is required to be of a hard, dustless material and must meet ADA standards.
- Events shall conform to the performance standards in Chapter 11 of this Resolution. Sound amplification and any outdoor lighting shall cease no later than 10:00 PM.
- Required landscaping shall comply with Chapter 11 of this Resolution.
- Signage shall comply with Chapter 12 of this Resolution.
- Any structures to be used in connection with the Retreat shall comply with the adopted building codes for Sumner County and shall be inspected prior to occupancy by the Building and Codes Department for Sumner County. Existing buildings shall require variances from the Board of Zoning Appeals if they are located within required setbacks.
- All regulations enforced through other agencies, (i.e. Federal, State, and other Local authorities) must be met. These include, but are not limited to, building codes, fire codes, health department

regulations, groundwater protection, etc.

- If the retreat is proposed on property with an existing structure or residence, an additional address shall be assigned for the retreat for E-911 purposes.
- Setbacks for buildings and activities used in association with a retreat shall abide by the following setbacks:
 - If providing a Type 1 buffer (or equivalent using existing plantings) – 100 feet
 - If providing a Type 2 buffer (or equivalent using existing plantings) – 75 feet
 - If providing a Type 3 buffer (or equivalent using existing plantings) – 50 feet

Existing plantings must be shown on a site plan. Credits for existing plantings shall be determined using Chapter 11 of the Zoning Resolution. Parking areas are allowed to be within required setbacks but not within required buffer yards.

- Contact information for the owner/manager shall be provided to the contact person for each event and posted on the premises.

8. Special Conditions for Personal and Group Care Facilities

a. Family/Group Care Home

- i. The required lot size, yard, and bulk regulations of the district shall apply.
- ii. All requirements of the State of Tennessee shall be met related to wastewater disposal.
- iii. Facilities for vehicular access to and from the site shall be arranged to permit vehicles to exit from the site without backing out into any street.

G. Specific Conditions for Commercial Activities

A special exception shall not be granted for the commercial activities specified below unless the conditions established therein are met as a part of the conditions for issuing the exception in the applicable districts.

1. Special Conditions for Group Assembly Activities

- a. Access to such facility shall be by a paved public road and such road shall be either an arterial or collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
- b. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- c. When an application for a Group Assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
 - i. The minimum size site shall be twenty-five (25) acres.
 - ii. The minimum setback of all structures from all public and private roads shall be one hundred (100) feet.
 - iii. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
 - iv. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
 - v. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, gift or souvenir shops, and similar activities.
 - vi. Site plan approval is required consistent with Chapter 14 of this Resolution.

2. Entertainment and Amusement Services – Outdoor

- a. General Standards
 - i. There shall be a minimum lot size of 15 acres, unless otherwise specified in this Section.
 - ii. Accessory uses, such as snack bars, offices, maintenance facilities, refreshment stands or retail sales, which are designed and intended primarily for the use of patrons, shall be allowed.

- iii. Site plan approval is required consistent with Chapter 14 of this Resolution.
- iv. Uses approved in this Section shall abide by the Parking Requirements found in Chapter 11 of this Resolution. Parking areas are required to be of a hard-surfaced, dustless material. The Board of Zoning Appeals shall have the authority to determine the surface material to be used.
- v. Uses approved in this Section shall abide by the Landscaping, Screening and Buffering requirements and Performance Standards found in Chapter 11 of this Resolution, unless otherwise specified in this Section.
- vi. All regulations enforced through other agencies, (i.e. Federal, State, and other Local authorities) must be met.

3. Special conditions for Transient Accommodations

a. Commercial Campground:

- i. Access to such facility shall be by a paved public road and such road shall be either an arterial or collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
- ii. Such campground shall have on-site management;
- iii. The campground may include commercial establishments such as camp stores, laundry facilities, and personal services; provided that such establishments are subordinate to the recreational character of the campground; are located, designed, and intended to serve exclusively the patrons staying in the campground; and such establishments and their parking areas shall not occupy more than two (2) percent of the area of the park or one acre, whichever is smaller;
- iv. Such campground shall meet the following standards:
 - (1) Minimum size – fifty (50) acres.
 - (2) Maximum density – ten (10) campsites per gross acre.
 - (3) Sanitary facilities within three hundred (300) feet walking distance of each campsite.
 - (4) Potable water supply.

- (5) Trash receptacle – adequate to serve the entire campground.
- v. Such campground shall meet the following design requirements:
 - (1) A Type 3 bufferyard shall be provided around or near the perimeter of that part of the campground containing campsites, activity areas or commercial areas.
 - (2) Each campground shall reserve at least fifty (50) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration buildings, commercial areas or similar activities.
 - (3) Each campsite shall have a minimum setback of fifty (50) feet from any exterior boundary line.
 - (4) Each campsite and all other buildings shall have a minimum setback from any public or private road of fifty (50) feet.
 - (5) Each campsite shall be directly accessible by an interior travel way.
 - (6) All interior roads shall be a minimum of ten (10) feet wide for one way traffic and eighteen (18) feet wide for two way traffic.
 - (7) All interior travel ways shall meet the following curve requirements:
 - Minimum radius for a 90 degrees turn - 40 feet
 - Minimum radius for a 60 degrees turn - 50 feet
 - Minimum radius for a 45 degrees turn - 68 feet
 - (8) Each campground shall provide adequate sewage disposal. Proper permits related to sewage disposal must be obtained prior to the issuance of any building or land disturbance permits by the County.

4. Special Conditions for Animal Care and Veterinarian Services

- a. There shall be a minimum lot size of 2 acres. Any uses proposing an indoor or outdoor kennel area shall have a minimum lot size of 5 acres.
- b. Site Plan approval shall be required as set forth in this Chapter.
- c. All buildings, structures, kennels, outdoor animal exercise areas and other areas utilized pursuant to this use must be no less than

- 100 feet from all property lines.
- d. All buildings, structures, and parking and staging areas utilized for this use that are 200 feet or less from any property line shall be screened from view, with a Type 2 Landscape Buffer or equivalent provided.
5. Special Conditions for Automotive Repair and Servicing
- a. There shall be a minimum lot size of 2 acres.
 - b. The maximum number of customer vehicles on site at any given time shall be three (3).
 - c. Site Plan approval shall be required as set forth in this Chapter.
 - d. All work on customer or other vehicles shall take place within a designated building; no vehicle work shall occur in the open air.
 - e. All buildings, structures, employee and customer parking and staging areas utilized for this use must be no less than 50 feet from all property lines.
 - f. All buildings, structures, and parking and staging areas utilized for this use that are 200 feet or less from any property line shall be screened from view, with a Type 2 Landscape Buffer or equivalent provided.
6. Special Conditions for Construction Sales and Services
- a. There shall be a minimum lot size of 2 acres.
 - b. Site Plan approval shall be required as set forth in this Chapter.
 - c. All buildings, structures, storage areas, employee and equipment parking areas, and other areas utilized for this use must be no less than 50 feet from all property lines.
 - d. All buildings, structures, storage areas, employee and equipment parking areas, and other areas utilized for this use that are 200 feet or less from any property line shall be screened from view, with a Type 2 Landscape Buffer or equivalent provided.
7. Special Conditions for Consumer Repair Services
- a. There shall be a minimum lot size of 2 acres.
 - b. Site Plan approval shall be required as set forth in this Chapter.
 - c. All buildings, structures, storage areas, employee and equipment parking areas, and other areas utilized for this use must meet primary setback requirements for the zoning district involved.
 - d. All buildings, structures, storage areas, employee and equipment parking areas, and other areas utilized for this use that are 50 feet or less from any property line shall be screened from view, with a Type 1 Landscape Buffer or equivalent provided.
 - e. Gunsmiths and similar firearms oriented uses must obtain all relevant state and federal licenses.

H. Special Standards for Industrial Activities

A special exception shall not be granted for the industrial activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Mining, Drilling, & Quarrying

- a. Any application for a mining and quarrying type use shall include a general area plan and a specific site plan.

A general area plan shall be prepared at a scale of one inch equals 1,000 feet with a ten (10) foot contour interval and shall show the following:

i. Existing Conditions.

- (1) Location of proposed site.
- (2) Surrounding land use pattern including building locations by type of use within a one (1) mile radius of the proposed site.
- (3) Roads including state, federal and county roads showing right-of-way width, weight loads, pavement types and widths, and traffic data.

ii. Site and Geologic Data

- (1) Soil types and geology.
- (2) Surface drainage patterns.
- (3) Groundwater movements and aquifer information including aquifer recharge areas.
- (4) Wetlands.
- (5) Vegetation cover by type including the identification of dominant species.
- (6) Climate, precipitation and wind direction to include the percent of wind movements on the points of the compass.

iii. Operation of the Site

- (1) Type of material to be removed and the annual removal rate.
- (2) Methods of extraction including types of equipment, use of conveyors, and use of

blasting materials.

- (3) Supplementary processes, drying, grading, mixing, manufacturing, batching and similar activities.
- (4) Estimated life of the operations and maximum extent of area to be disturbed, final depths and side wall slopes.

b. A detailed site plan for the entire property proposed to be utilized drawn to a scale no smaller than one (1) inch equals two hundred (200) feet with a contour interval no greater than two (2) feet. In addition to the requirements for a site plan contained in Chapter 14 such site plan shall show:

i. Base Data

- (1) Soils and geology with borings on a five hundred (500) foot grid.
- (2) On-site groundwater movements and aquifer information including aquifer recharge areas.
- (3) Surface drainage patterns.
- (4) Wetlands.
- (5) Vegetation cover by type including the identification of dominant species.

ii. Proposed Use

- (1) Final grading by contours.
- (2) Interior road pattern showing its relationship to on-site operations, points of ingress and egress and egress to state and county roads.
- (3) Estimated amount and description of aggregate and overburden to be removed.
- (4) Final use and ownership of the property after completion of operations.
- (5) Service by public water and the means of disposal of human waste.
- (6) Area that may be disturbed once all applicable setbacks have been applied.

iii. Plan of Operations

- (1) Locations of screening and berms.
- (2) Soil embankments for noise, dust and visual barriers, and heights of spoil mounds
- (3) Method of disposition of excess water.
- (4) Method of erosion control.
- (5) Location and typical schedule of blasting.
- (6) Machinery to be used by type and noise levels.
- (7) Safety measures to be employed and methods of addressing complaints.

iv. Reclamation Plan

A reclamation plan shall be submitted that conforms to the provisions within the Tennessee Mineral Surface Mining Law of 1972 as may be amended.

v. Performance Criteria

In addition to the other performance standards specified by this Resolution, the following criteria shall be observed:

- (1) Operations. All mining and quarrying operations shall meet all development and performance standards of this Resolution and all applicable local, state and federal regulations and provide evidence of such compliance.
- (2) Setbacks. At the time of application for a special exception, no excavation area or quarry wall shall be located within:
 - One mile to the property line of any existing Community Education Activity;
 - 1,500 feet to the property line of any existing Community Assembly Activity, existing Health Care Activity, or existing residentially zoned property, including residential portions of approved planned developments;
 - 1,000 feet from any properties zoned in the Office and Institutional Districts, or Commercial Districts; and

- 300 feet from any properties zoned in the Industrial Districts, public roads and rights-of-way.

Nothing shall be stored at any time within 200 feet from any property line, with the exception of parking fencing, offices, and weight scales, which shall be subject to all other requirements of this Resolution.

- (3) Grading. All excavations shall be graded in such a way as to provide an area that is harmonious with the surrounding terrain and not dangerous to human or animal life to the extent possible.
- (4) Access. Such use shall be restricted to lots or parcels that are directly contiguous to and have legal frontage for access on roadways established as arterials or collectors in the Sumner County Long Range Transportation Plan. Access by private easement shall not be allowed. Truck routing shall be proposed to reasonably minimize traffic impact.
- (5) Mitigation of Road Damage. The operator of the site shall post a bond or bonds to cover the potential damage to public roads caused by the development, operation and/or rehabilitation of the subject property prior to the commencement of any site work or operations. The bond amount shall be determined by the County Engineer and County Highway Superintendent based on the distance from the entrance of the site to the nearest State Highway. The bond shall be accepted and held by the County and shall automatically renew without any effort on the part of the County.
- (6) Landscaping, Buffering and Screening. In addition to complying with the landscaping regulations found in Chapter 11, natural vegetation shall be preserved to the extent possible in the setback area established above. The frontage of the site along a public road shall be screened with a berm of sufficient height to restrict the view of the operations from the road by a traveling motorist and shall be planted with

ground cover, trees, and shrubs.

- (7) Security Measures. The disturbed area shall be secured with a method accepted by the County Engineer.
- (8) Pre-blast Survey. A pre-blast survey is required, consistent with State Regulations.

I. Special Exception Appeals

The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction. Any person or agency of the county government may appeal to a court of competent jurisdiction from the Board's decision as provided under relevant statutes of the State of Tennessee.

J. Effect of Denial of Application

Whenever an application for a special exception/variance is denied, an application for the same request involving the same property shall not be eligible for reconsideration for six (6) months following such denial, except in the following cases:

- 1. Upon initiation by the Board of Zoning Appeals;
- 2. When the previous application was denied for the reason that the proposed request would not conform with the land use plan, and the land use plan has subsequently been amended in a manner which will allow the proposed zoning.

1412 Amendments to the Zoning Resolution or Map

The County Commission may, from time to time, amend this Resolution by changing the boundaries of districts or by changing any other provisions whenever they find the public necessity, convenience, and general welfare require such amendment.

A. Initiation of Amendment

Amendments may be initiated by the Board of Commissioners, the Sumner County Regional Planning Commission or by an application of one or more owners of property or their designated Attorney-in-Fact.

B. Zoning Map Amendment Standards

Amending the Official Zoning Map (Rezoning) is a legislative act solely granted to the County Commission upon recommendation of the Planning Commission. The

Planning Commission and County Commission shall consider the following factors in their actions:

1. Whether and the extent to which the proposed amendment is consistent with the Sumner County Comprehensive Plan and any other applicable County-adopted plans;
2. Whether and the extent to which there are changed conditions that require an amendment;
3. Whether and the extent to which the proposed amendment addresses a demonstrated community need;
4. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land;
5. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern, or deviate from logical and orderly development patterns;
6. Whether and the extent to which the proposed amendment would encourage development prior to the availability of necessary services and infrastructure;
7. Whether and the extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts;
8. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands; and
9. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

C. Zoning Text Amendment Standards

Amending the text of this Resolution is a legislative act solely granted to the County Commission upon recommendation of the Planning Commission. The Planning Commission and County Commission shall consider the following factors in their actions:

1. Whether and the extent to which the proposed amendment is consistent with the Sumner County Comprehensive Land Use Plan and all applicable County-adopted plans;
2. Whether the proposed amendment is in conflict with any provision of this Resolution;
3. Whether and the extent to which there are changed conditions that require an amendment;
4. Whether and the extent to which the proposed amendment addresses a demonstrated community need;

5. Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Resolution, or would improve compatibility among uses and ensure efficient development patterns within the County;
6. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern; and
7. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

D. Procedure

An application form for an amendment shall be accompanied by a fee in an amount as established by the Board of Commissioners payable to the County, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the adopted land use plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scaled drawing of the land and existing buildings shall be submitted with the application.

E. Review and Recommendations by the Planning Commission

The Planning Commission shall review and make recommendations to the Board of Commissioners on all proposed amendments to this Resolution. The review and recommendations of the Planning Commission shall be based upon the land use or general plan for the area as adopted and such other considerations as the Sumner County Regional Planning Commission finds to be applicable to the case.

F. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this Resolution prior to enactment by the Board of Commissioners. Notice of such hearing shall be displayed as follows:

Notice in a newspaper of general circulation within the county shall be published at least fifteen (15) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration of the area.

G. Amendments Affecting Zoning Map

Upon enactment of an amendment to the zoning map that is a part of this

Resolution, the Planning Director shall cause such amendment to be placed upon the Official Zoning Map and noting on the map the resolution number and date of the amendment.

H. Amendments Affecting Zoning Text

Upon enactment of an amendment to the text of this Zoning Resolution by the County Commission in its minutes, the Planning Director shall cause such amendment to be made within the official copy of the Zoning Resolution, which shall be updated within thirty (30) days on the County's website and within the official working copy of the Resolution maintained in the office of the Planning Department.

I. Effect of Denial of Application

Whenever an application for an amendment to the text of this Resolution or for change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one (1) year following such denial, except in the following cases:

1. Upon initiation by the Board of Commissioners or Planning Commission;
2. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
3. When the previous application was denied for the reason that the proposed zoning would not conform with the land use plan, and the land use plan has subsequently been amended in a manner which will allow the proposed zoning.

1413 Remedies and Enforcement

A. Enforcing Officer

The provisions of this Resolution shall be administered and enforced by a Director of Building & Codes, who shall be appointed by the Sumner County Mayor, subject to confirmation by the Sumner County Commission. The Director of Building & Codes shall have all powers granted by Tennessee Code Annotated § 13-7-110 and the power to inspect buildings, structures, or premises necessary to carry out the duties of the position and to enforce this Resolution.

B. Complaints Regarding Violations

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a complaint. The complaint should state the full cause and basis for the alleged violation, and shall be filed in the Director of Building &

Codes' office. Any such complaint must address an active and ongoing violation that is no more than 30-days old. If a complaint fails to address an active and ongoing violation, the Director of Building & Codes may reject that complaint. The Director of Building & Codes shall record and conduct a timely investigation of any complaint for an active and ongoing violation, and take appropriate action as provided in this Resolution.

C. Right to Enter

The County's duly authorized employees, agents, and representatives may, to carry out the duties of their employment or engagement with the County, enter upon any real property within the County's jurisdiction to effect the purpose of or ensure compliance with the Resolutions.

D. Criminal Penalties

Any person violating any provision of this Resolution shall be guilty of a misdemeanor and upon conviction shall incur (and be liable to the county for) a monetary penalty of no more than fifty (\$50) for each offense. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues is deemed a separate offense for which separate criminal charges and separate fines may be sought. Payment of the penalty, alone, shall not constitute compliance.

E. Civil Remedies

In addition to criminal penalties, civil enforcement proceedings may be initiated to ensure compliance with this Resolution. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is or is proposed to be used in violation of this part or of any regulation or provision enacted or adopted by the Sumner County Commission, the Director of Building & Codes or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding, or proceedings to prevent, enjoin or abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

1414 Common Review Procedures

The provisions of this Article shall apply to all application requests under this Resolution, unless otherwise stated in this Chapter.

A. Authority to File Applications

Applications for development approvals for a specific parcel of land shall be submitted by:

1. The owner(s) of the land on which the development is proposed; or
2. The contract purchaser(s) of the land; or
3. Any other person(s) having a recognized property interest in the land (e.g., lessee); or
4. A person authorized to submit the application on behalf of the owner(s), contract purchaser(s), or other person(s) having a recognized property interest in the land, as evidenced by a letter or document signed by such owner(s), contract purchaser(s), or other person(s).
5. The applicant shall attest to the truth and correctness of all facts and information presented with the application.

B. Fees

1. The County Commission shall determine the fees to accompany applications submitted under this Resolution. The County Commission may adjust the fees from time to time.
2. No application shall be processed until the established fee is paid.
3. Application fees are not refundable except where the County determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.
4. Under no condition shall the fee, or any part thereof, be refunded following the acceptance of a completed application for failure of the application to be approved, or if the application is withdrawn.

C. Submission Schedule

The Planning Director is authorized and shall establish the submission and review schedule (including time frames for review) for applications. The Planning Director may amend and update these requirements as determined necessary.

D. Pre-Application Conference

1. Purpose:
 - a. The purpose of a pre-application conference is to familiarize the applicant and the County staff with the applicable provisions of this Resolution, inform the applicant about the preparation of the application, and discuss the application and review process.
2. Pre-Application Conference Mandatory:
 - a. Except for applications initiated by the County Commission, Planning Commission, or County staff, pre-application conferences between the applicant and the Planning Director and/or any other appropriate County staff shall be mandatory before submission of the following

types of applications:

- i. Official Zoning Map Amendments (Rezoning);
- ii. Zoning Text Amendments;
- iii. Special Exceptions and Zoning Variances; and
- iv. Minor and Major Site Plans and Major Subdivision Plats as defined in the Sumner County Subdivision Regulations.

b. Mandatory pre-application conferences shall be held a minimum of ten days before the applicable agenda submittal deadline.

3. Pre-Application Conference Optional:

A pre-application conference is optional before submission of any other application for development approval.

4. Effect:

- a. The pre-application conference is intended as a means of facilitating the application process. Discussions held in accordance with this Section are not binding on the County.
- b. Processing times for review of applications do not begin until a formal, complete application is submitted and determined to be complete after the pre-application conference, where required.

E. Water and Sewer Availability

All applications for development shall include proof of the availability of potable water and proper treatment and disposal of wastewater in accordance with applicable County and State regulations.

F. Application Submission

1. Applications shall be submitted to the Planning Department in the form established by the Planning Commission along with a fee established in accordance with this Resolution
2. Applications shall be on such forms, in such numbers, and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning Commission so as to assure the fullest practicable presentation of facts for the permanent record.
3. Applications not meeting the requirements of this Resolution shall be considered incomplete.

G. Determination of Application Completeness

1. Completeness review:

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

- a. Contains all information and materials established by this Resolution and the Planning Commission as required for submittal of the particular type of application;
 - b. Is in the form established by the Planning Commission as required for submittal of the particular type of application;
 - c. Includes specific information required for that particular application that is necessary to evaluate the application and to determine whether it complies with the appropriate substantive standards of this Resolution; and
 - d. Is accompanied by the fee established for the particular type of application.
2. Application incomplete:
- a. If the application is determined to be incomplete, the Planning Director shall notify the applicant of the deficiencies within ten business days of submittal, and the application shall not be processed. The applicant may correct the deficiencies and resubmit the application for completeness determination for a subsequent meeting.
 - b. Notwithstanding the other provisions of this Subsection, after an application is determined to be incomplete three times, the applicant may request, and the Planning Director shall undertake, processing and review of the application even though it is not considered a complete application.
3. Application Complete

If the application is determined to be complete, or the applicant has requested that the incomplete application be processed in accordance with this Resolution, the Planning Director shall refer the application to the appropriate staff, review agencies, and review bodies for review in accordance with the procedures and standards of this Resolution.

4. Sign Permits

In the case of a Sign Permit application, the Planning Director shall be responsible for determining if an application is complete in compliance with this Section.

H. Preparation of Staff Report

1. If the application is subject to staff review and a subsequent public hearing or consideration by a review body, the staff member responsible for review shall review the application, relevant support material, and any comments from other staff and review agencies, and prepare a written staff report.
2. The staff report shall be addressed to the review body or decision-making body, as appropriate, and shall state whether the application complies with all appropriate standards of this Resolution.

3. The staff report shall be transmitted to the applicant and made available to the review body or decision-making body and to the public within a reasonable period of time before the first scheduled review body meeting or public hearing on the application.

I. Scheduling Public Hearings

A public hearing shall be conducted by the appropriate review and/or decision-making body in accordance with this Resolution.

TABLE 14.01: REQUIRED PUBLIC HEARINGS			
X = REVIEW OR DECISION-MAKING BODY REQUIRED TO CONDUCT PUBLIC HEARING			
PROCEDURE	BOARD OF ZONING APPEALS	PLANNING COMMISSION	COUNTY COMMISSION
Official Zoning Map Amendment [1]		X	X
Zoning Text Amendment [1]		X	X
Special Exception	X		
Variance	X		
Appeal	X		
NOTES:			
[1] An "X" in more than one column means that the application type requires more than one public hearing.			

J. Notice for Public Hearings

Applications for development approval shall comply with the Tennessee Code Annotated and the provisions of this Article with regard to public notification.

1. Content

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

- a. Identify the address or location of the property subject to the application, the name, and address of the applicant or the applicant's agent;
- b. Indicate the date, time, and place of the public hearing;
- c. Describe the land involved by street address, tax map(s) and parcel number(s), or by legal description and the nearest cross street, and project area (size);
- d. Describe the nature, scope, and purpose of the application or proposal;
- e. Identify the location (e.g., the Planning Department office) where the

- public may view the application and related documents; and
- f. Include a statement describing where written comments will be received prior to the public hearing.

2. Notice Required:

Unless otherwise noted in this Resolution, the following table (14.02) identifies when published and written notice is required for each public hearing type:

TABLE 14.02: NOTICE REQUIRED			
PROCEDURE	PUBLISHED NOTICE	WRITTEN NOTICE	SIGN NOTICE
Zoning Text Amendment: Planning Commission's Hearing	10 days prior to the hearing	No written notice required, unless revision has the impact of being site specific, in which case mailed written notice via certified mail shall be required.	No sign notice required
Zoning Text Amendment County Commission's Hearing	15 days prior to the hearing		
Official Zoning Map Amendment: Planning Commission's Hearing	10 days prior to the hearing	Mailed written notice (certified mail) to all property owners subject to the request and all adjoining property owners of record (per the County Tax Assessor) postmarked a minimum of 10 days prior to the hearing.	10 days prior to the hearing; signage must be maintained until final decision made by County Commission
Official Zoning Map Amendment: County Commission's Hearing	15 days prior to the hearing		
Special Exception	10 days prior to the hearing		
Variance			
Appeal		No sign notice required.	

3. Published Notice:

- a. When the provisions of this Resolution require that notice be published, the Planning Department shall be responsible for preparing the content of the notice and publishing the notice in a newspaper of general

circulation that has been selected by the County, consistent with this Resolution and State law.

- b. The content and form of the published notice shall be consistent with the requirements of this Section and State law.
4. Written (Mailed) Notice:
 - a. The Planning Department shall notify all property owners subject to the request and all adjacent property owners by regular or certified U.S. mail, consistent with this Resolution and State law.
 - b. The Planning Department shall hold a copy of the notice for a minimum of one year and shall make those available as part of the public record.
 5. Other Notices:

Applicants shall be responsible for compliance with any additional notice requirements in this Resolution, other County resolutions, or State law.
 6. Constructive Notice:
 - a. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.
 - b. Failure of a party to receive written notice shall not invalidate subsequent action.
 - c. When the publications, mailings, and posting of notices as required by this Section are documented in the records of the County, it shall be presumed that notice of a public hearing was given as required by this Section.
 7. Notification Signs:
 - a. A notification sign shall be posted in a prominent location on a property subject to a proposed Official Zoning Map Amendment, Special Exception, or Variance application prior to the Planning Commission, County Commission, or BZA meeting, as applicable.
 - b. The applicant shall be responsible for posting an official notification sign in accordance with Table 14.02: Notice Required. A fee allowing the County to recoup the cost of such signage shall be assessed by the Planning Department.

K. Public Hearing Procedures

All public hearings for applications held in accordance with this Resolution shall comply with the following procedures.

1. Conduct of a Public Hearing:
 - a. Rights of All Persons

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

b. Continuance of Public Hearing

i. General

- The review body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.
- A request for deferral of consideration of an application received by the Planning Department following public notification of the public hearing in accordance with this Resolution shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.

ii. When Additional Notice Is Required

Referral of any application to the Planning Commission by the County Commission shall require the application be re-noticed in accordance with this Resolution, as if the application were a new matter before the Planning Commission. The cost of such notice shall be paid by the applicant.

2. General Procedures and Findings at Public Hearing:

The review body conducting the public hearing shall act in accord with any time limits established in the Tennessee Code Annotated and in this Resolution. Action shall include a statement of recommendation or decision of approval, approval with conditions, referral to another body, denial, or any other action allowed for the specific application review.

L. Deferral of Application

1. An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Planning Director prior to the publication of notice for the public hearing in accordance with this Resolution. The Planning Director may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
2. Written requests for deferral of an application by a review or decision-making body received after publication of notice for the public hearing has occurred shall be forwarded to the review or decision-making body and shall be treated as a request for a continuance of the public hearing.

M. Withdrawal of Application

1. Method

Any request for withdrawal of an application shall be either submitted in writing to the Planning Director, or made through a verbal request by the applicant prior to action by the review or decision-making body.

2. Prior to Notice of Public Hearing

The Planning Director shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this Resolution. The application fee paid shall not be refunded.

3. Subsequent to Notice of Public Hearing

If the request for withdrawal of an application is submitted subsequent to publication of notice for the public hearing in accordance with this Resolution the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body. The application fee paid shall not be refunded.

N. Conditions of Approval

Where a decision-making body may approve an application with conditions, the conditions imposed must be related in both type and amount to the impact that the proposed development would have on the public and surrounding development. Conditions imposed shall be expressly set forth in the permit or application approval.

O. Notification of Decision

1. Following a decision, the applicant shall be notified within a reasonable amount of time about the decision made upon their application. Notification shall be by regular mail, by facsimile, or in person in the Planning Department office.
2. Issuance of a permit or shall constitute a written notice of decision.
3. If the decision is made by County staff to deny an application, the notification of decision shall include a statement informing the applicant about the appeals procedure.

P. Examination and Copying of Applications and Other Documents

Documents and/or records may be inspected and/or copied as provided for in the Tennessee Code Annotated.

Q. Simultaneous Processing of Applications

1. Whenever two or more applications are required under this Resolution, those applications may, at the option of the Planning Director, be processed

simultaneously, so long as the terms of this Resolution and all applicable Local and State requirements are satisfied.

2. Each application is subject to review and decision on its own merits, and the simultaneous processing of the applications does not constitute any representation that the individual applications will be approved or reviewed more favorably than if they had occurred separately.

R. Lapse of Approval

1. There shall be no lapse of approval for Official Zoning Map Amendments, Zoning Text Amendments, or Variances.
2. If no provision for lapse is given by this Resolution for a particular type of development approval or permit, and if no lapse period is imposed as part of an approval in the permit or development approval, a general lapse of approval shall occur if development is not commenced or a subsequent permit is not obtained within two years from date of approval.
3. After a lapse of approval, all new development shall be subject to new application submittals and fees in accordance with this Resolution.

CHAPTER 15

DESIGN REVIEW GUIDELINES, SUMNER COUNTY HISTORIC OVERLAY DISTRICT AND AREAS OF HISTORICAL SIGNIFICANCE

Sections:

- 1501 Purpose & Intent
- 1502 Historic Overlay District – Design Review Commission
- 1503 Designation of Historic Overlay District
- 1504 Identification of Historic Overlay District
- 1505 Purview of the Board
- 1506 Procedures for Review and Approval
- 1507 Standards for Review
- 1508 Appeals
- 1509 Applicability to Sumner County Government

1501 Purpose & Intent

To establish Historic Overlay District - Design Review Guidelines and a Historic Overlay District - Design Review Commission based on the authorities granted by the State of Tennessee as provided generally in the Tennessee Code Annotated, Title 5, Chapter 1, Part 1; and all other appropriate statutes relative to county power to create design review commissions and implement design review guidelines that apply only to non-residential properties and multi-family residential properties located in or near areas identified in the Historic Overlay District as generally depicted in the Sumner County Historic Overlay Map, and that pertain to any areas of historical significance. These guidelines shall not apply to agricultural buildings within these areas or any other areas within unincorporated Sumner County.

The intent of the Historic Overlay District - Design Review Guidelines ("HOD-DRG") and a Historic Overlay District - Design Review Commission ("HOD-DRC") are to preserve and promote the historic, cultural, educational, economic, and general welfare of the county's historic sites and communities by:

- A. Preserving and promoting buildings or structures, and their respective entrances, that reflect elements of the existing cultural, social, economic, and political heritage of the County;
- B. Conserving and enhancing property values in these areas;
- C. Protecting and enhancing the attractiveness of these historic areas by encouraging new construction and redevelopment that will be harmonious with the existing historic structures, areas, and surrounding communities; and

- D. Promoting historical preservation for the education, pleasure, and welfare of the citizens of Sumner County.

1502 Historic Overlay District - Design Review Commission

A. Membership

1. Members of the Historic District Design Review Commission (HOD-DRC) shall be recommended by the Sumner County Executive and confirmed by the County Commission of Sumner County, Tennessee.
2. The HOD-DRC shall consist of seven (7) members. All members shall be residents of Sumner County; one (1) shall be a member of the County Commission, and one (1) shall be a member of the Sumner County Planning Commission. In determining the qualifications of a HOD-DRC member, consideration will be placed on her/his demonstrated interest and ability to understand, appreciate and promote the purpose of the HOD-DRC.
3. The HOD-DRC Commission members shall be appointed for three-year terms, except that the initial appointments shall be staggered so that subsequent appointments shall not recur at the same time. Members shall serve with compensation and shall serve no more than two (2) successive terms. In the event of a vacancy on the HOD-DRC, interim appointments may be made to complete the unexpired term of such position.
4. The HOD-DRC shall annually elect a Chairman, Vice Chairman, and Secretary from among its membership.
5. The HOD-DRC shall adopt and may from time to time amend such rules and regulations as are not inconsistent with the intention of this resolution and of state enabling legislation.
6. The HOD-DRC, when necessary, may develop and submit an annual request for funds to the County Commission.
7. The decisions of the HOD-DRC shall be by vote of the majority of the members.

B. Powers and Duties

The HOD-DRC shall have the following powers and duties:

1. Review and approve, approve with conditions, or deny applications that apply to this resolution.
2. Call upon County staff, citizens, adjacent properties, and professionals, as it sees fit, for input, consultation, and recommendations on matters before the Commission.
3. Conduct small area or community-wide surveys of historic, architectural, and cultural resources.
4. Prepare historic resources components of local master plans and ensure that the impacts on historical resources are considered at every level of local

- decision-making.
5. Advise other elements of local, state, and federal government regarding, and advocate on behalf of, the identification, protection, and preservation of local historical, architectural, archaeological, and cultural resources.
 6. Consult on applications for zoning amendments, variances, special use permits, and other approvals affecting property in the historic district.
 7. Investigate and recommend to the Sumner County Planning Commission and County Commission amendments to these provisions and appropriate areas for designation as Historic Overlay Districts.
 8. Educate municipal officials, property owners, the Public, and individual members of the Commission about the historic district and historic preservation.
 9. Participate in informational, advisory, and policy setting meetings about historic preservation issues and historic overlay district commissions.
 10. Develop and submit an annual request for funds to the County Commission.
 11. Subject to the availability of funds, the HOD-DRC may employ clerical and technical assistants and retain consultants as needed.
 12. Adopt, and from time to time amend, rules and regulations that are consistent with the intent of this article and appropriate state statutes.
 13. Coordinate with other County boards and commissions in the review of items, which might also be subject to review by those boards or commissions.
 14. Undertake any other appropriate action or activity necessary to carry out its mission as embodied in this section.

1503 Designation of Historic Overlay District

A. Procedures for Designation

The HOD (Historic Overlay District) exists as a zoning overlay district. The HOD boundaries may be amended and new historic overlay districts may be designated and delineated following the provisions set forth in TCA 5-1-129 and other applicable state statutes.

B. Criteria for Designation

The following criteria should be considered when the Historic Overlay District - Design Review Commission, the Planning Commission, and County Commission deliberate the enlargement or reduction of an existing district or the creation of a new district. In any district which contains multiple properties or structures, not every property or structure need meet these criteria. Rather, the district overall should embody a meaningful degree of continuity, cohesiveness, integrity, and conformity as set forth in the County Comprehensive Plan.

1504 Identification of the Historic Overlay District

A Map of the Historic Overlay District ("HOD-MAP") as amended, including all the notations, references, district boundaries, and other information shown thereon, is incorporated by reference as part of this Resolution and is on file with the County Clerk. If there are any inconsistencies between the map and the listing of map and lot numbers under subsection (B), the listing of map and lot numbers shall prevail.

A. Locating Boundaries

The District lines drawn on the HOD map are generally on or parallel to a street, watercourse, or lot line, and shall, unless there are indications to the contrary, be deemed to be:

1. On the centerline of the right-of-way or watercourse;
2. Parallel to the centerline at the distance noted; or
3. On the lot line, or parallel to the lot line, at the distance noted in Section B.

B. Delineation of the Historic Overlay District.

The Historic Overlay District ("HOD") is defined as that area made up of the lots listed below as delineated on the Sumner County Tax Maps and Sumner County Historic Overlay District Map. Unless otherwise noted, all of the land composing each lot shall be considered to lie within the HOD. The HOD also includes all County property necessary to make a contiguous HOD.

1505 Purview of Board

A. Activity within the Historic Overlay District Subject to Review

Approval of the HOD-DRC is required for the following activity respecting structures within the HOD:

1. Modifications to the exterior architectural appearance of the property including erection of new structures, additions to existing structures, alterations to existing structures within the HOD.
2. Installation, modification, or removal of exterior freestanding lighting structures.
3. Erection, alteration, or removal of any kind of wall, barrier or fence.
4. Installation of pavement or other impervious or semi-impervious material on the ground or establishment of any parking or driveway area.

5. Installation of any new roofing material; provided that where failure to repair a roof will result in immediate damage to the structure the Planning Director may grant approval for emergency temporary repairs and immediately notify the HOD-DRC of such action.
6. Signage (excluding political, contractor, and real estate signs), banners, flags, and similar displays, except for those of a temporary nature, i.e. those for which approval from the County has been received to allow for display not to exceed two weeks at any one time.
7. Removal or destruction of any healthy tree with a diameter at breast height of 12" or more that is determined to be located in the area of construction.
8. Any substantial change in topography (cuts and fills).

B. Activity Exempt from Review

No review or approval shall be required for the following:

1. Work performed on the interior of buildings.
2. General maintenance and repair which does not involve any change in materials or the outward appearance of the structure or site.
3. Installation or removal of any plant materials (except for tree removal)
4. Construction, alteration, or demolition of any structure or element of a structure that the Planning Director, or his designee, certifies as being the only means of avoiding an immediate health or safety emergency prior to the HOD- DRC convening a meeting to consider the matter. In such instance, the Planning Director, or his designee, shall immediately notify the HOD- DRC of his/her certification.

C. Review of Exterior Colors within the Historic Overlay District - Painting.

Painting, staining and other exterior decorative work not involving exterior construction shall be in accordance with the character of the HOD. The HOD-DRC shall be notified thirty (30) days in advance of such exterior decorative work. Such work shall not begin if the owner is notified that an application to the HOD-DRC is required.

1506 Procedures for Review and Approval

A. Application

In order to be considered at the next scheduled HOD-DRC meeting, an application shall be submitted to the HOD-DRC through the Planning Department no fewer than 10 days prior to that meeting. The application package shall include the items listed below:

1. A completed application form as provided by the Planning Department, stating the purpose of the proposed project and identifying the nature and extent of the work to be performed.
2. Site plans drawn to scale clearly depicting existing conditions and proposed work.
3. Elevation drawings to scale of each affected facade of the building, structure or sign, clearly depicting existing conditions and proposed work.
4. Detail drawings of project-specific elements.
5. Photographs of each side of any building proposed for alterations, additions or demolition, and one of the overall site.
6. Sample, swatch, and/or manufacturer's cut sheet of materials to be used as appropriate.
7. Any other items which the HOD may reasonably need to conduct its review.

The HOD-DRC may, at its discretion, waive requirements for the submission of any or all of the above items as well as for drawings to be precisely drawn to scale on smaller or less complex projects.

B. Review of the Application

1. Certificate of Compliance. In deliberating whether to grant or deny a request, the HOD-DRC shall make a determination as to the "compliance" of the work proposed by determining whether or not the proposal conforms to the provisions of this resolution.
2. Scheduling and Completeness. The HOD-DRC will consider applications at its scheduled meetings. At that time a determination shall be made whether the application under consideration is complete in accordance with the list of required items, above, and whether or not further information is needed by the HOD-DRC in order to accept the application.
3. Dialogue with Applicant. The applicant may present his or her application at the HOD-DRC meeting(s). When there are aspects of the proposal which may not conform to this article, the HOD-DRC, at its discretion, may advise the applicant

to find reasonable cost approaches to meet his or her objectives with a project which still conforms to the standards of this resolution.

4. Meetings. The HOD-DRC is authorized to hold a meeting at which time opinions of adjacent property owners and interested citizens may be heard.
5. Professional Advice. The HOD-DRC may seek advice from such professional, educational, cultural, or other sources as is deemed necessary.
6. Recommendations. The HOD-DRC may make nonbinding recommendations to the applicant on elements outside of its purview such as planting materials.

C. Action on an Application

1. To the extent practical and appropriate, as determined by County staff, an applicant may file applications for permits simultaneously to the Planning Commission, and the Historic Overlay District - Design Review Commission (HOD-DRC). However, if approval from the Planning Commission and the HOD-DRC is required, the applicant shall first appear before the HOD-DRC, unless otherwise agreed to by the two bodies and the applicant.
2. The HOD-DRC shall take action on all applications within sixty (60) days after the meeting at which the HOD-DRC accepts the application as complete. This time frame may be extended either by consent or request of the applicant for an additional period not to exceed sixty (60) days.
3. The HOD-DRC may act with a majority of its members, with a majority of those members present voting.
4. The HOD-DRC shall file a Certificate of Compliance or Denial with the Planning Department. Failure by the HOD-DRC to act within the period of time specified above shall be deemed to constitute approval of the application as submitted. A Certificate of Compliance, or approval by default of the HOD-DRC to take action, shall be effective for one year after the date of approval.
5. When an application is rejected as being incomplete or denied, the reason(s) for the decision shall be conveyed to the applicant and clearly stated in the record of proceedings of the HOD-DRC.

D. Appeals

Any applicant, property owner, persons, or organizations aggrieved by a decision of the HOD-DRC may appeal the decision to the Zoning Board of Appeals in accordance with Article XIII of the Sumner County Zoning Resolution.

E. Enforcement

The provisions of this resolution shall be enforced as provided for in Article XVII.

1507 Standards for Review

The following standards shall be used by the HOD-DRC in reviewing applications for Approval.

A. General Principles

1. Every reasonable effort shall be made to minimize alteration of the significant features of the property.
2. The distinguishing original qualities or character of the property shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided where possible.
3. All structures and sites shall be recognized as products of their own time. Alterations that have no historical basis or that seek to create an earlier appearance shall be discouraged.
4. Changes that may have taken place in the course of time are evidence of the history and development of the property. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a property shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other structures.
7. Every reasonable effort should be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
8. Contemporary design for alterations and additions to existing properties should not be discouraged when such designs do not destroy significant historical, architectural, or cultural material, and

when those designs are compatible with the size, scale, color, material, and character of the property, neighborhood community, and surrounding environment.

9. Whenever possible, new additions or alterations to structures should be done in such a manner that if those additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

B. Elements of Design

Proposals should be harmonious with existing structures within the HOD. The HOD-DRC shall consider the following elements of design when evaluating an application:

1. **Scale.** The scale of a building is its size relative to common reference points: e.g. the human body and nearby structures. New construction should be consistent with the dominant cornice and peak or ridge height of other nearby structures within the HOD. Inordinately low buildings create a void at upper floor levels that interrupts the feeling of enclosure. Disproportionately tall buildings overpower other structures.
2. **Elevation.** First floor and floor-to-floor heights. Most of Sumner County's historic buildings have conventional foundations and floor-to-floor heights which are either greater than or smaller than prevalent heights used in contemporary construction.
3. **Proportions.** Proportion deals with height, width, depth, and spacing relationships and is important both in the overall dimensions of the building and in its individual components.
4. **Massing.** Massing refers to the shapes, sizes, articulation, composition, and voids created by the three dimensional forms that constitute the structure.
5. **Roof shape.** Most of the area buildings have a shape reflecting the time period and prevalent architecture of the day.
6. **Entrance.** Entry features normally reflect the main part of the development's structure by matching architectural style and building materials.
7. **Fenestration.** Fenestration refers to the pattern of window openings - spacing, size, proportion, symmetry vs. asymmetry.
8. **Materials.** The use of natural materials is encouraged. The following

is a list of approved primary exterior materials, along with those materials that are approved only as supporting materials:

Primary Structure

- Approved primary exterior materials: Brick, Wood (including Log Style), Stone, Faux Stone
- Approved supporting exterior materials: Hardie Board and Stucco

Roofs

- Approved materials: Asphalt Shingles, Metal, Slate, Terracotta, Wood (Shake Shingle)

Windows

- Approved materials: Wood and Vinyl

Doors

- Approved materials: Wood, Metal, and Vinyl Clad

Fences: All fence types shall not exceed 6-feet in height.

- Approved materials: Brick, Wood, Stone, Rock, and Wrought-Iron

Attached Signs- All attached signs shall not extend above the roofline of any building, and shall be externally lit. Internal lighting shall be prohibited.

Detached Signs - All detached signs shall be a maximum height of 20- feet, monument in style, keeping with the antique nature and unique character of its surroundings, and shall be externally lit. Internal lighting shall be prohibited.

- Approved primary exterior materials: Brick, Wood (including Log Style), Stone and Faux Stone
- Approved supporting exterior materials: Hardie Board and Stucco

9. Orientation. Buildings should not be oriented at odd angles to the street, such as at a 45-degree angle, unless this is already the prevailing pattern in the area or if it is dictated by strong topographic or site considerations. In addition, buildings shall have expansion joints no longer than 40-feet in length. This will

help ensure the aesthetic character of the buildings.

10. Lighting. All attached and detached site lighting shall be down-lighting (covered lighting) and positioned so as not to expose neighboring properties to excessive light shed.
11. Parking. Parking areas, particularly when paved and unbroken by landscaping, can have a significantly deleterious impact upon historic areas. All parking areas for other than single-family uses shall be located at the rear of buildings. Where the HOD-DRC determines that such placement is not practicable, parking may be located at the side of buildings provided that no part of the parking area is located forward of the front elevation of the building. Any parking area located on the side of a building shall be screened from the road.
12. All utility elements such as dumpsters, garbage cans, propane tanks, above-ground oil tanks, and ground-mounted air conditioning units shall be screened and located such that they are not visible from a public way.
13. The U.S. Secretary of the Interior's "Guidelines for Historic Preservation" shall also serve as a guide for the HOD-DRC.

****Any other materials not listed in above items 1-10, respectively, are prohibited.***

C. New Construction

New construction is an essential process in a vital community, representing the current phase of an evolution that has been ongoing since the settlement of Sumner County. Contemporary architecture may be appropriate, provided that it is respectful of the historic fabric of the HOD. New construction within the HOD should be consistent with Sections A and B, above.

D. Demolition or Removal

No existing building or other structure may be-demolished or moved out of the HOD until approval has been granted by the HOD-DRC. Demolition or removal from the HOD of a contributing structure is strongly discouraged and shall rarely be permitted. An application which includes a detailed plan for the reuse of the site shall be submitted, and the HOD-DRC shall determine the appropriateness of the plan. It shall only be approved if the applicant demonstrates that (1) denial of the application would result in extreme hardship unique to the subject property; and (2) the HOD-DRC has approved a detailed redevelopment plan for the site. Financial hardship of the owner of the property shall not constitute a hardship for this purpose.

E. Relocation within the Historic Overlay District

Relocation of a contributing structure on its site or within the HOD is discouraged. The HOD-DRC may approve such a relocation only if it determines that there are compelling reasons to do so after conducting a thorough review of the request.

1508 Appeals

Appeals may be taken to the Sumner County Zoning Board of Appeals by any owner or tenant of property wholly or partly within the HOD, as well as by any other person, agency or group, if aggrieved by a ruling of the Sumner County HOD-DRC. The Sumner County Zoning Board of Appeals shall hear and act upon such appeals within the periods of time prescribed by the Tennessee Statutory Director.

1509 Applicability to Sumner County Government

Any property owned by Sumner County within the HOD shall be subject to the provisions of this Chapter, provided, however, that following a public hearing, the County Commission of Sumner County may, by a two-thirds vote of its members, override any vote of the HOD-DRC pertaining to such property.

CHAPTER 16

AIRPORT OVERLAY ZONE

Sections:

- 1601 Statutory Authorization, Findings of Fact, Purpose and Objectives
- 1602 Definitions
- 1603 Airport Zones
- 1604 Airport Zone Height Limitations
- 1605 Use Restriction
- 1606 Nonconforming Uses
- 1607 Permits
- 1608 Enforcement
- 1609 Board of Zoning Appeals
- 1610 Judicial Review
- 1611 Penalties
- 1612 Conflicting Regulations
- 1613 Severability
- 1614 Effective Date

1601 Statutory Authorization, Findings of Fact, Purpose and Objectives

A. Short Title

This Chapter shall also be known as and may also be cited as the Sumner County Airport Zoning Resolution.

B. Purpose

The purpose of this Chapter is to regulate and restrict the height of structures and objects of natural growth, and otherwise regulate the use of property, in the vicinity of the Sumner County Regional Airport and the Portland Municipal Airport; to designate the Boards of Zoning Appeals to hear appeals; to provide for enforcement and penalties; to define certain terms used herein; and to amend the Sumner County Zoning Map to create the Sumner County Regional Airport Zoning Map and establish the boundaries of Airport Zoning districts.

C. Statutory Authorization, Findings of Fact, and Objectives

This Chapter is adopted pursuant to the authority conferred by Title 42 of the Tennessee Code Annotated. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Sumner County Regional Airport and Portland Municipal Airport, and property or occupants of land in their vicinity; that an obstruction may affect existing and future instrument approach minimums of the Sumner County Regional Airport and Portland Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Sumner County Regional Airport, Portland Municipal

Airport and the public investment therein. Accordingly, it is hereby declared that:

1. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Sumner County Regional Airport and Portland Municipal Airport;
2. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

1602 Definitions

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

Airport: Means Sumner County Regional Airport.

Airport Elevation: For the Sumner County Regional Airport: 584 feet above mean sea level. For the Portland Municipal Airport: 817 feet above mean sea level.

Airport Manager: Airport Manager for the Sumner County Regional Airport

Airport Zoning Map: The Sumner County Regional Airport – Airspace Plan, dated November 13, 2009 as well as the City of Portland Airport Layout Drawing are adopted by reference by this Chapter and incorporated as part of the Official Zoning Map of Sumner County, Tennessee.

Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 4 of this Chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transitional, Horizontal, and Conical Zones: These zones are set forth in Section 3 of this Article.

Board of Zoning Appeals: A Board consisting of 5 members, serving in a quasi-jurisdictional role by which Sumner County can provide for special cases on a use-by-use, lot by lot basis without amending the Zoning Resolution and appointed according to Article XIII, Section 1 of the Sumner County Zoning Resolution.

Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Hazard to Air Navigation: An obstruction determined to have a substantial adverse affect on the safe and efficient utilization of the navigable airspace.

Height: For the purpose of determining the height limits in all zones set forth in the Chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto.

Nonprecision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 4 of this Chapter.

Person: An individual, firm, partnership, corporation, company, association, joint stock association, or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision Instrument Runway: A runway, having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in this Chapter. The elevation of any point on

the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway: A defined area on an airport prepared for landing and take-off of aircraft along its length.

Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestack, earth formation, and overhead transmission lines.

Transitional Surfaces: These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree: Any object of natural growth.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

1603 Airport Zones

In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Sumner County Regional Airport and Portland Municipal Airport. Such zones are identified on the Airspace Plan in the Sumner County Regional Airport Layout Plan, prepared by the Sumner County Regional Airport Authority and approved by the Tennessee Department of Transportation, Division of Aeronautics, on November 13, 2009, as well as by the Portland Municipal Airport's Approved Airport Layout Drawing. The following Airport Zones, shown on the aforementioned Airspace Plan, are hereby defined and adopted by reference and declared to be a part of these Airport Zoning Regulations and designated as the Airport Zoning Map and shall be incorporated as part of the Official Zoning Map of Sumner County, Tennessee. An area which is located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

- A. Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of

10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- B. Runway Larger Than Utility With A Visibility Minimum As Low As $\frac{3}{4}$ Mile Nonprecision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- C. Transitional Zones – The transitional zones are the areas beneath the transitional surfaces.
- D. Horizontal Zone – The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- E. Conical Zone – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

1604 Airport Zone Height Limitations

Except as otherwise provided in this Chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Chapter to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

1. Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. Transitional Zones – Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

3. Horizontal Zone – Established at 150 feet above the airport elevation.
4. Conical Zone – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
5. Excepted Height Limitations – Nothing in this Chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

1605 Use Restriction

Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

1606 Nonconforming Uses

- A. Regulations Not Retroactive – The regulations prescribed in the Chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date of this Chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter, and is diligently prosecuted.
- B. Marking and Lighting – Notwithstanding the preceding provision of this Chapter, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Sumner County Regional Airport Authority or Portland Municipal Airport, as applicable.

1607 Permits

- A. Future Uses – Except as specifically provided within this Chapter, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted by the Planning Director for Sumner County. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If

such determination is in the affirmative, the permit shall be granted. No permit for use inconsistent with the provisions of this Chapter shall be granted unless a variance has been approved in accordance with this Chapter. Prior to the issuance of a permit, the Planning Director may request that the permit applicant provide verification from the Federal Aviation Administration as to the effect of the requested permit or proposed construction on the operation of air navigation facilities and the safe, efficient use of navigable airspace. The Planning Director may also consult with the Airport Manager for advice as to the aeronautical and operational effects of the permit application.

- B. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limit prescribed for such zones.
- C. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- D. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
- E. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Chapter except as set forth herein.
- F. Existing Uses – No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.
- G. Nonconforming Uses Abandoned or Destroyed – Whenever the Sumner County Planning Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- H. Variances – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Article, may apply to the Sumner County Board of Zoning Appeals

for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the Chapter. Additionally, no application for variance to the requirements of this Chapter may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.

- I. Obstruction Marking and Lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to permit the Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

1608 Enforcement

It shall be the duty of the Planning Director to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Planning Director upon a form published for that purpose. Applications required by this Chapter to be submitted to the Planning Director shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the Planning Director.

1609 Board of Zoning Appeals

The Board of Zoning Appeals is hereby designated to hear appeals from airport zoning Resolutions created under this section pursuant to TCA §42-6-108.

- A. Any person aggrieved, or any taxpayer affected, by any decision of the Zoning Director, made in the administration of this Chapter, may appeal to the Board of Zoning Appeals pursuant to the provisions of Chapter 14 of the Sumner County Zoning Resolution.
- B. The Board of Zoning Appeals shall be authorized to consider variances from the Airport Zoning Regulations pursuant to this Chapter.
- C. An appeal shall stay all proceeding in furtherance of the action appealed from unless the Planning Director certifies to the Board of Zoning Appeals, after the notice of appeal has been filed with it, that by reason of the facts stated in the

certificate a stay would in the opinion of the Planning Director cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Zoning Appeals or notice to the Planning Director and on due cause shown.

- D. The Board of Zoning Appeals may, in conformity with the provisions of this Chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination as may be appropriate under the circumstances.

1610 Judicial Review

Any person or agency of the city government may appeal to a court of competent jurisdiction a decision of the Board of Zoning Appeals as provided under statutes of the State of Tennessee.

1611 Penalties

Penalties for Violation of this Chapter shall be pursuant to penalties outlined at Chapter 14 of the Sumner County Zoning Resolution.

1612 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

1613 Severability

If any of the provisions of this Chapter or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or application of the Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of the Chapter are declared to be severable.

1614 Effective Date

Whereas, the immediate operation of the provisions of this Chapter is necessary for the preservation of the public health, public safety, and general welfare, and this Chapter shall be in full force and effect from and after the effective date for this Resolution generally as established in Chapter 17.

CHAPTER 17

LEGAL STATUS PROVISIONS

Sections:

- 1701 Interpretation
- 1702 Relationships to Other Laws and Private Restrictions
- 1703 Provisions Do Not Constitute Permit
- 1704 Provisions are Cumulative.
- 1705 Establishment of Zoning for Parcels De-annexed by Municipalities
- 1706 Severability
- 1707 Effective Date

1701 Interpretation

In their interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

1702 Relationships to Other Laws and Private Restrictions

- A. Where the conditions imposed by any provisions of this Resolution upon the use of land or buildings or other structures or upon the height or bulk of buildings or other structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Resolution or any other law, or Resolution, of any kind, the provisions that are most restrictive shall apply.
- B. This Resolution is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this Resolution are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other restrictive agreements, the requirements of this Resolution to the extent that they are more restrictive shall govern.

1703 Provisions Do Not Constitute Permit

Nothing contained in this Resolution shall be deemed to be a consent, license or permit: to use any property; or locate, construct, or maintain any building, structure, or facility; or to carry on any trade, industry, occupation or activity.

1704 Provisions are Cumulative

The provisions of this Resolution are cumulative with any additional limitations imposed by all other laws and Resolutions heretofore passed or which may be passed hereafter

governing any subject matter appearing in this Resolution.

1705 Establishment of Zoning for Parcels De-annexed by Municipalities

Upon notification of a legal de-annexation by any municipality of Sumner County of any parcel, said parcel shall be part of Sumner County’s jurisdiction. In order to assure that this parcel conforms to the Sumner County Comprehensive Plan, the Planning Commission shall recommend to the Board of Commissioners a zoning classification that conforms to the plan within 90 days following the notice of legal de-annexation. The zoning map shall be amended pursuant to the procedures found in Chapter 14.

1706 Severability

It is hereby declared to be the intention of the Board of Commissioners that the several provisions of this Resolution are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision or portion thereof of this Resolution invalid, such judgment shall not affect any other provision of this Resolution not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Resolution to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

1707 Effective Date

This Resolution shall become effective on July 1, 2020 and repeals and replaces the previous Sumner County Zoning Resolution as originally adopted on July 9, 1973 and subsequently amended.

Approved and Certified by the Sumner County Regional Planning Commission:

Chairman

Secretary

Date

Approved by the Sumner County Board of Commissioners:

Approval Date: _____

Chairman: _____

County Mayor: _____

APPENDIX A

Definitions and Rules for Construction of Language

Rules for Construction of Language.

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

- (a) The particular shall control the general.
- (b) The word “shall” is always mandatory.
- (c) The word “may” is permissive.
- (d) The word “lot” shall include the words “piece” or “parcel” or “tract”.
- (e) The word “structure” includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
- (f) In the case of any difference of meaning or implication between the text of this Resolution and any caption, illustration or table the text shall control.
- (g) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (h) Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:
 - (1) “And” indicates that all connected items, conditions, provisions or events shall apply.
 - (2) “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.
 - (3) “Either or” indicates that the connected items, conditions, provisions or events shall apply single but not in combination.
- (i) All public officials, bodies, and agencies to which reference is made are those of Sumner County, Tennessee.

DEFINITIONS

Except where definitions are specifically included in various sections of this Resolution words in the text or tables of this Resolution shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Access: A means of vehicular approach and entry to or exit from property.

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

Accessory Dwelling Unit (ADU): A second self-contained living unit subordinate in size to a single-family dwelling. ADUs may be created within or detached from the single-family dwelling.

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

Adult Oriented Establishment: A use type with the same meaning as the term “adult oriented establishment” as used in TCA § 7-51-1102, and in construing this term, the definitions contained in TCA § 7-51-1102 (1) – (6) and (9) – (27), are likewise incorporated by reference into and made a part of this Resolution.

Agricultural: Farms (See FARMS) that involve the production for sale of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry, and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, includes the breeding and grazing of any or all of such animals; bees and apiary products; horticulture; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products (wholesale nurseries); or lands devoted to a soil conservation or forestry management program.

Agricultural Employee Housing: A self-contained living unit created solely for the purpose of housing farm workers in conjunction with a bona fide agricultural or farming activity.

Agricultural Tourism: Any activity carried out on a Farm as defined herein that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities or natural activities and attractions. An activity is an agricultural tourism activity whether or not a participant provides compensation in money or other valuable compensation to participate in the activity. Specifically excluded from this definition are such uses such as wedding and event venues, which are classified as Retreats as defined herein.

Alley: A public or private way intended to provide only secondary vehicular access to side and rear of abutting properties and no more than twenty-five (25) feet in width.

Amenity: Specific physical features of a development that is not required by the provisions of this Resolution.

Apartment: One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

Arterial Road or Street: A road so designated on the Sumner County Major Thoroughfare Plan.

Bar: A place of business primarily devoted to the serving of alcoholic beverages and in which the service of food is incidental to the consumption of such beverages (may also be known as a pub or tavern).

Basement: A story where the floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height, below the average level of the adjoining ground (as distinguished from a "Cellar" which is a story more than one-half (1/2) below such level).

Bed and Breakfast Homestay: An owner-occupied building or portion thereof that was formerly a single-family dwelling offering transient lodging accommodations and breakfast to guests for a fee.

Borrow Pit: An area from which soil or other unconsolidated material is removed from a piece of property to be used, without further processing either on-site or off-site, as fill for activities such as landscaping, building construction, or highway construction and maintenance. It is not intended that this definition apply to grading activities within an approved development plan.

Brew Pub: A restaurant at which beer is brewed on site as an accessory use in small batches for on-premise consumption.

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

Building and Codes Department: That department charged with implementing the adopted building codes of Sumner County and with implementing the requirements of this Resolution as provided herein.

Building and Codes Director: That individual employed by the County to implement adopted building codes, to serve as Building Commissioner as provided in State Law and to implement the requirements of this Resolution as provided herein.

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

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

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

Certificate of Zoning Compliance: The authorization of the Planning Department to occupy premises affirming that the use and conditions of the premises comply with the regulations applicable to the property.

Cellar: (See Basement)

Cemetery: A place used for interment of human or animal remains or cremated remains, including burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof. This does not include a family cemetery on a private property used for private burials only.

Child Care Center: provides care for more thirteen (13) or more pre-teenage children in any kind of building

Collector Road or Street: A road so designated on the Sumner County Major Thoroughfare Plan.

Common Open Space: Undeveloped land within a subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures, agricultural structures, and/or such recreational facilities for residents as indicated on the approved development plan.

Construction Trailer: A factory-manufactured structure located on an approved construction site, not designed for use as sleeping quarters, but to be used in support of construction activities.

County Engineer: That individual employed by the County who is hired to provide advice and guidance to the County Commission, Planning Commission and all applicable

County Departments related to best engineering policies and practices, and who is charged with assisting in the implementation of the certain provisions of this Resolution as provided herein.

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

Curb Level: The mean of the elevations of the side lot lines extended to the street line.

Density: The number of dwelling units permitted per acre of land.

Development: The division of a parcel of land; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Resolution.

Development Area Per Dwelling Unit: The amount of land area of a single zone lot required for each dwelling unit to be placed on the zone lot. (May be referred to as density or lot area per unit).

Disturbed Area: The area of land where grading, excavation or other construction activities will take place on a site.

Dormitory: A building specifically designed for long-term stay by students of a college, university or nonprofit organization for the purpose of providing rooms for sleeping purposes. Common areas and a common kitchen may be included.

Dwelling, Duplex: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Mobile Home: A one (1) section manufactured home on a single chassis designed to be occupied as a single living unit.

Dwelling, Multi-Family: A building containing three or more dwelling units. The term includes apartments, condominiums and the like.

Dwelling, Single-Family: A building containing only one dwelling unit. The term is general, including such specialized forms as single-family detached, one-family semi-detached and one-family attached houses. For regulatory purposes, the term is not to include travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing.

Dwelling, Single-Family Detached: A building containing one (1) dwelling unit located on an individual lot. This shall include multi-sectional manufactured homes, provided that such homes shall have the same general appearance as site built homes in the area.

Dwelling, Town Home: A building containing three or more single-family dwelling units on individual lots with each dwelling unit being separated from the others by a party wall.

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

Extended Stay Hotel or Motel: A hotel or motel as defined herein in which the guest rooms have separate sleeping and living areas and may include limited kitchen facilities.

Exterior Display: The placement of goods, materials or other property for sale outside of a building or structure.

Exterior Storage: – The placement of goods, materials or other property outside of a building or structure for the purposes of storing the materials or equipment for future use but not for future sale.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such dwelling unit shall contain over four (4) persons, further provided that domestic servants and temporary nonpaying guests may be accommodated. Family shall not be construed to include a fraternity, sorority, club, or institutional group. Provided that family shall include eight (8) or fewer unrelated mentally or physically impaired persons plus three (3) additional persons acting as house parents or guardians who need not be related.

Family/Group Child Care Home: includes child care in an occupied residence of not more than twelve (12) children including children under the age of ten (10) living in the home; provided however, that child care for four (4) or fewer children does not require a special exception and may be approved administratively.

Farm: A parcel of land equal to or exceeding 15 acres in size and used for residential and agricultural purposes, and listed in the Greenbelt program administered by the Tennessee Comptroller of the Treasury and the County Property Assessor per the Agricultural, Forest and Open Space Land Act of 1976.

Fire Protection: As used herein, Fire Protection shall the outfitting of individual structures with such fittings, means of building ingress and egress, and signage as to satisfy the requirements of the County's adopted Building Codes and the applicable requirements of the State Fire Marshall. "Fire Protection" as used herein shall not relate to, or obligate the provision of, any Fire Department Operations on the part of the County.

Flea Market (includes swap meets): An outdoor commercial activity, not including shopping centers or individual retail operations, that is conducted on an occasional or periodic basis in an open area where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

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

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

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

Fraternity/Sorority House: A building used as group living quarters for students of a college or university, who are members of a fraternity or a sorority that has been officially recognized by the college or university and has a license or charter from the national organization.

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

Group Home: A building, or portion thereof, that is licensed by the Department of Human Services or the Department of Public Health as a rooming and/or boarding house for people who are mentally or physically disabled and receives its residents under a contract or other arrangement with the state or local government agency.

Hazardous Occupancy: The use of a building or any part thereof, that involves the manufacture, use, or storage of highly combustible, flammable, or explosive materials or materials that constitute a high fire hazard and further defined by the adopted building codes for Sumner County.

Height (of building): The vertical distance measured from average grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs or to the mean height between eaves and ridge for gable, hip, and gambrel roofs. Building height shall not include mechanical appurtenances.

Home-Based Business: An accessory activity of a nonresidential nature that is performed within the dwelling unit or an accessory structure thereto and which is incidental to the residential use of the property and subject further to the supplemental provisions contained in Chapter 11 and Chapter 14.

Hotel: An establishment providing transient lodging which includes a 24-hour front desk attendant, restaurant, room service, laundry and dry cleaning service, meeting rooms,

health club or swimming pool, and concierge/guest services and in which the guest rooms are accessible from an indoor corridor.

Institution: A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of a non-profit character to the public.

Junkyard: Any land or structure used for the storage and/or sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage, and/or the salvage of four or more unlicensed, inoperative vehicles.

Landowner: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Resolution, full disclosure of all legal and equitable interests in the property is required.

Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Lot Area: The entire area of a zone lot.

Lot Area Per Dwelling Unit: That portion of the lot area required for each dwelling unit located on a zone lot. This may also be known as the development area per dwelling unit.

Lot Coverage: That portion of a zone lot which when viewed directly from above is covered by a building or any part of a building. For all nonresidential uses, all vehicular use areas (i.e. parking, loading areas) shall be included in this calculation.

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

Lot Line: A boundary of a zone lot.

Lot Measurements:

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

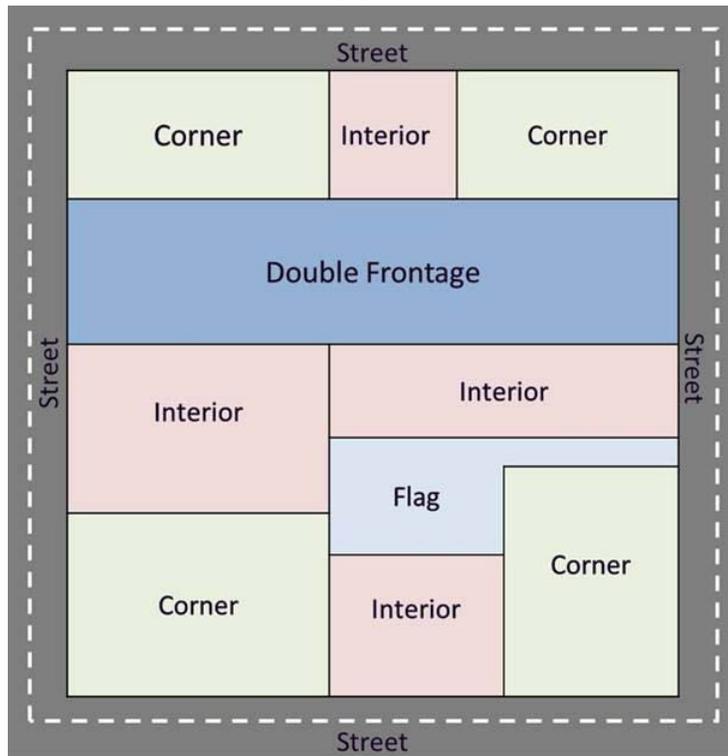
Lot of Record: A lot that is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description

of which has been so recorded.

Lot Types: Figure 1 below illustrates terminology used in this Resolution with reference to corner lots, interior lots, double frontage lots and flag lots;

- (a) Corner Lot - a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- (b) Interior Lot - a lot other than a corner lot with only one (1) frontage of a street.
- (c) Double Frontage Lot - a lot other than a corner lot with frontage on more than one street.
- (d) Flag Lot – a lot that has access to a public right of way or private easement by means of a narrow strip of land. No part of the narrow portion of the lot can be less than 50 feet in width. Minimum building setbacks are measured on the flag portion of the lot.

FIGURE 1



Minor Road or Street: A road so designated on the Sumner County Major Thoroughfare Plan.

Mobile Home: (See Dwelling, Mobile Home)

Mobile/Manufactured Home Community: A development that is designed and constructed to accommodate mobile homes.

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

Mobile Home Stand: That part of an individual mobile home space that has been reserved for the placement of the mobile home.

Modular Building: A factory manufactured building, not self-propelled, neither designed nor constructed to allow attachment of wheels to either an axle or its frame, meeting all requirements of the applicable building or housing code, and designed for use as a residence, office, apartment, storehouse, warehouse or any other similar purpose.

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

Nonconformity: Any existing use, lot, building or other structure that was legally established before the effective date of this zoning Resolution and that does not comply with one or more of its provisions. Any nonconforming use, nonconforming structure or nonconforming lot is defined below.

Nonconforming Lot: A lawful lot-of-record that is below the minimum lot size for the zoning district or fails to meet dimensional requirements as of the effective date of this Resolution.

Nonconforming Structure: A lawfully established structure that does not conform to the zoning district regulations that govern size, setbacks or other dimensional requirements.

Nonconforming Use: A lawfully established use that is not permitted in the zoning district. This typically applies where:

- (a) the use is no longer allowed in the district, or
- (b) the use was established without conditions and it would now require a special exception, or
- (c) the zoning regulations changed due to actions by the county.

Overall Density: The dwelling units per gross acre of the total area within a residential development.

Party Wall: A wall on an interior lot line separating two individual dwelling units which are attached at that wall and which is constructed as a fire wall extending from the footings through the roof without openings and would inhibit the spread of fire from one dwelling

unit to another.

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

Planning Department: That department of county government charged with the implementation of planning and zoning functions of the County and with implementing certain requirements of this Resolution as provided herein. In practice this department may be referred to as the Development Services Department.

Planning Director: That individual employed by the County to directly oversee and manage the Planning and Zoning functions of the County and is charged with implementing certain requirements of this Resolution as provided herein. In practice, this individual may be referred to as the Development Services Director.

Principal Activity: An activity or use that fulfills a primary function of an establishment, institution, household, or other entity.

Principal Building: A building in which is conducted the principal activity or use of the lot on which it is situated. In any residential district, any dwelling shall be deemed the principal building on any lot on which the dwelling is situated. Carports and garages, if permanently attached to the principal building are deemed to be a part of the principal building.

Quarrying: As defined in Tennessee Code Annotated Section 13-7-101.

Religious Facilities: The buildings and properties utilized by various religious organizations for worship functions, education and recreation but excluding any facility the primary function of which is to produce products or printed material for sale or general distribution, any retail sales or commercial overnight accommodations. Such facilities may include but not limited to chapels, churches, convents, monasteries, mosques, sanctuaries, synagogues or temples.

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

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

- (a) Such transient accommodations as transient hotels, motels, or similar establishments, or
- (b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
- (c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
- (d) In a mixed building, that part of the building used for nonresidential uses, except

uses accessory to residential use.

Retail Sales Establishment: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Retreat: A facility owned and operated by a non-governmental entity for the purpose of providing a rural setting in which temporary lodging, and/or conferences, meeting, wedding, special event and other similar facilities are provided with or without compensation.

Rooming or Boarding House: A single-family dwelling where two or more, but no more than six, rooms are provided for lodging for definite periods of time. Meals may or may not be provided, but there is one common kitchen. No meals are provided to outside guests.

Setback Line: A line running parallel to the lot line that establishes the minimum distance the principal building must be setback from the lot line.

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

Site Improvements: All buildings, structures, parking lots, driveways, access points to a public street, landscaping and drainage that are built upon a site.

Special Exception: A use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provisions for such use are made in this Resolution.

Storm Shelter: Any structure, built above or below ground, with sole intent to protect life and limb from adverse weather conditions.

Street: A public or private mode of ingress/egress, other than an alley, which affords a primary means of access.

Street Line: A lot line dividing a lot or tract from an abutting street.

Structure: Any erected or constructed material or combination of materials that requires a location on the ground, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

Swap Meets: See Flea Market.

Tiny House: 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. For the purposes of this Resolution, Tiny Houses shall be synonymous with “Dwelling, Mobile Home” as defined herein.

Transitional Home: A home used for the purpose of rehabilitating persons from correctional facilities, mental institutions, and alcoholic and drug treatment centers and operated by a public or private agency duly authorized and licensed by the state, which agency houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in a community and which provides continuous professional guidance.

Use: The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.

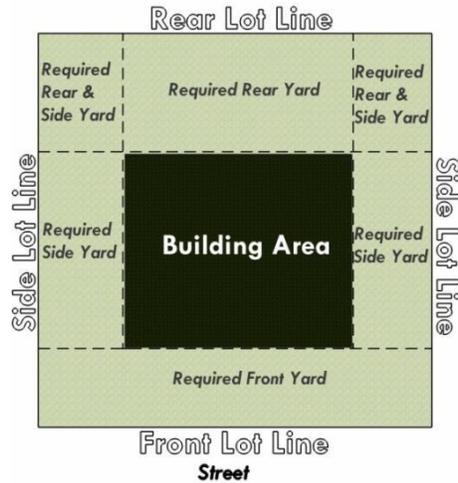
Variance: An adjustment in the application of the specific regulations of this Resolution to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies such disparity in privileges. Variances are authorized by Section 13-7-109, Tennessee Code Annotated.

Vision Triangle: A triangular-shaped portion of land established at the intersection of two streets or a street and driveway in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of a motorist entering or leaving the intersection (Also known as a Sight Triangle). The Vision Triangle is area defined as follows:

- (a) For Intersecting Streets (also Corner Lots) the triangle is determined by a straight line connecting two (2) points measuring thirty (30) feet in each direction along the ROW line from the ROW intersection.
- (b) For Driveways and Non-Corner Lots the triangle determined by a straight line connecting two (2) points; one point measuring twenty (20) feet along the ROW from the intersection of the center of the driveway and the ROW and the other point measuring fifteen (15) feet along the driveway boundary line.

Yard: That part of a zone lot extending open and unobstructed, except obstructions permitted by this Resolution, from the lowest level to the sky along the entire length of a lot line. Figure 2 shall be used in clarifying the usage of the “line” and “yard” definitions of this Resolution:

FIGURE 2



Yard, Front: An open space extending along the full length of a front lot line to the setback line. On lots with access to more than one street, as in corner lots, the frontage which will provide access shall be designated as the front yard.

Yard, Rear: An open space extending for the full length of a rear lot line to the setback line.

Yard, Side: An open space extending along a side lot line to the setback line.

Zone or Zoning Lot: A parcel of contiguous land which is or may be developed or utilized under one ownership (See Landowner) as a site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have minimum frontage on an improved, dedicated and accepted public street, or on an approved private street.

APPENDIX B
Land Use Activity Table

ACTIVITY	AR	RR	SR	MHC	OP	IN	CN	CS	CG	LI	HI	ACTIVITY
PERMANENT RESIDENTIAL												
Dwelling, Town Home	N	N	N	N	N	N	N	N	N	N	N	Dwelling, Town Home
Dwelling, Single family detached	P	P	P	N	N	N	SE	N	N	N	N	Dwelling, Single family detached
Dwelling, Duplex	N	N	N	N	N	N	SE	N	N	N	N	Dwelling, Duplex
Dwelling, Multi-family	N	N	N	N	N	N	N	N	N	N	N	Dwelling, Multi-family
Dwelling, Mobile home <5ac/≥5ac	P	N/SE	N	N	N	N	N	N	N	N	N	Dwelling, Mobile home <5ac/≥5ac
Bed & Breakfast Homestay	P	SE	SE	N	N	N	P	N	N	N	N	Bed & Breakfast Homestay
Mobile Home Park	N	N	N	P	N	N	N	N	N	N	N	Mobile Home Park
Cluster Residential Development	N	SE	SE	N	N	N	N	N	N	N	N	Cluster Residential Development
SEMI-PERMANENT RESIDENTIAL												
Boarding & Rooming Houses	SE	SE	N	N	N	N	SE	N	N	N	N	Boarding & Rooming Houses
Dormitories & Fraternity/Sorority Houses	N	SE	SE	N	N	N	SE	N	N	N	N	Dormitories & Fraternity/Sorority Houses
COMMUNITY FACILITY ACTIVITIES												
Administrative Services	SE	SE	SE	N	P	P	P	P	P	P	P	Administrative Services
Community Assembly Small	P	P	P	N	P	P	P	P	P	SE	SE	Community Assembly Small
Community Assembly Medium	SE	SE	SE	N	P	P	SE	P	P	SE	SE	Community Assembly Medium
Community Assembly Large	N	N	N	N	N	P	N	SE	SE	SE	SE	Community Assembly Large
Community Education	SE	SE	SE	N	N	P	P	P	N	N	N	Community Education
Cultural & Recreation Services	SE	SE	SE	N	P	P	P	P	P	N	N	Cultural & Recreation Services
Essential Services	SE	SE	SE	SE	P	P	P	P	P	P	P	Essential Services
Extensive Impact Facilities	N	N	N	N	N	N	N	N	SE	SE	P**	Extensive Impact Facilities
Health Care Facilities	N	N	N	N	N	SE	N	N	P	P	P	Health Care Facilities
Institutional Care Facilities	N	SE	SE	N	N	SE	SE	N	N	N	N	Institutional Care Facilities
Minimal Impact Facilities	SE	SE	SE	N	SE	SE	SE	SE	SE	N	N	Minimal Impact Facilities
Personal & Group Care Facilities	SE	SE	SE	N	P	SE	P	P	P	N	N	Personal & Group Care Facilities
COMMERCIAL ACTIVITIES												
Adult Entertainment	N	N	N	N	N	N	N	N	N	SE	SE	Adult Entertainment
Animal Care & Veterinarian Services	SE	SE	N	N	SE	N	P	P	P	P	P	Animal Care & Veterinarian Services
Automotive Parking	N	N	N	N	N	N	N	N	SE	N	N	Automotive Parking
Automotive Repair & Servicing	SE	SE	N	N	N	N	SE	P	P	P	P	Automotive Repair & Servicing
Consumer Repair Services	SE	SE	N	N	P	N	P	P	P	P	P	Consumer Repair Services
Construction Sales & Services	SE	SE	N	N	N	N	N	P	P	P	P	Construction Sales & Services
Entertainment & Amusement Services – Indoor	N	N	N	N	N	N	SE	P	P	P	P	Entertainment & Amusement Services – Indoor
Entertainment & Amusement Services – Outdoor	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Entertainment & Amusement Services – Outdoor
Financial, Consultative & Administrative	N	N	N	N	P	N	P	P	P	P	P	Financial, Consultative & Administrative
Food & Beverage Services	N	N	N	N	SE	N	P	P	P	P	P	Food & Beverage Services
Food Service Drive-in & Drive-thru	N	N	N	N	SE	N	SE	P	P	P	P	Food Service Drive-in & Drive-thru
General Business & Communication Service	N	N	N	N	P	N	N	P	P	P	P	General Business & Communication Service
General Personal Services	N	N	N	N	P*	N	P*	P*	P*	P	P	General Personal Services

ACTIVITY	AR	RR	SR	MHC	OP	IN	CN	CS	CG	LI	HI	
COMMERCIAL ACTIVITIES CONTINUED												COMMERCIAL ACTIVITIES CONTINUED
General Retail Trade (5,000sq. ft. or less)	N	N	N	N	N	N	P	P	P	P	P	General Retail Trade (5,000 sq. ft. or less)
General Retail Trade (more than 5,000 sq. ft.)	N	N	N	N	N	N	N	P	P	P	P	General Retail Trade (more than 5,000 sq. ft.)
Group Assembly	N	N	N	N	N	N	N	SE	SE	SE	SE	Group Assembly
Medical Services	N	N	N	N	P	SE	P	P	P	P	P	Medical Services
Transient Accommodations	SE	N	N	N	N	N	N	P	P	N	N	Transient Accommodations
Undertaking Services	N	N	N	N	P	N	P	P	P	P	P	Undertaking Services
Vehicular, Craft & Related Equipment Sales	N	N	N	N	N	N	N	N	P	P	P	Vehicular, Craft & Related Equipment Sales
Wholesale Sales	N	N	N	N	N	N	N	N	N	P	P	Wholesale Sales
INDUSTRIAL ACTIVITIES												INDUSTRIAL ACTIVITIES
Light	N	N	N	N	N	N	N	N	N	P	P	Light
Heavy	N	N	N	N	N	N	N	N	N	N	P	Heavy
Mining, Drilling & Quarrying	N	N	N	N	N	N	N	N	N	N	SE	Mining, Drilling & Quarrying
Scrap Operations	N	N	N	N	N	N	N	N	N	SE	P	Scrap Operations
Transport & Warehousing	N	N	N	N	N	N	N	N	N	P	P	Transport & Warehousing
AGRICULTURAL ACTIVITES												AGRICULTURAL ACTIVITES
Agricultural Sales & Services	SE	SE	N	N	N	N	P	P	P	N	N	Agricultural Sales & Services
Agricultural Tourism	P	SE	N	N	N	N	N	N	N	N	N	Agricultural Tourism
Crop & Animal Raising	P	P	P	N	N	N	N	N	N	N	N	Crop & Animal Raising
Plant & Forest Nurseries	P	SE	N	N	N	N	N	N	N	N	N	Plant & Forest Nurseries

Key
P = Permitted
N = Not Permitted
SE = Special Exception

Specific uses permitted only by Special Exception only in the noted districts (Not Permitted in all other districts):

*Mini Warehouses

**Sanitary Landfill

APPENDIX C

Land Use Index

The following cross reference index lists many types of land uses and references the activity classification in which the use is located for regulatory purposes and which is further detailed in Chapter 2. The index does not necessarily include all possible land uses. Some uses may fall into more than one classification depending upon the use characteristics.

Land Use

Activity Classification

A

Accounting, Auditing, and Bookkeeping Services	Financial, Consultative, & Administrative Services
Advertising Agencies and Services	General Business & Communication Services
Adult Bookstore	Adult Entertainment
Adult Cabaret	Adult Entertainment
Adult Entertainment	Adult Entertainment
Adult Mini-motion Picture Theater	Adult Entertainment
Adult Motion Picture Theater	Adult Entertainment
Agricultural Credit Institution	Financial, Consultative, & Administrative Services
Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices	Extensive Impact Facilities
Amusement Parks	Group Assembly
Animal Grazing	Crop & Animal Raising
Animal Production or Slaughter	Heavy Industrial Activities
Antique and Second Hand Merchandise Stores	General Retail Trade
Apparel and Accessories Manufacturing	Light Industrial Activities
Apparel, Piece Goods, and Notions	General Retail Trade
Appliance Manufacturing	Light Industrial Activities
Aquariums	Cultural & Recreational Services
Arcades	Entertainment & Amusement Services - Indoor
Architectural Services	Financial, Consultative, & Administrative Services
Art Schools	General Personal Services
Art Galleries	Cultural & Recreational Services
Art Galleries (private for profit)	Entertainment & Amusement Services - Indoor
Artist Studios	Financial, Consultative, & Administrative Services
Asphalt & Cement Production	Heavy Industrial Activities
Attorneys and Law Offices	Financial, Consultative, & Administrative Services
Auditing, Accounting, Bookkeeping Services	Financial, Consultative, & Administrative Services
Auditoriums (see Exhibition Halls)	
Automatic Teller Machines (ATM)	General Personal Services
Automobile (See Motor Vehicle)	

B

Bail Bonding	Financial, Consultative, & Administrative Services
Bakeries (retail)	General Retail Trade
Ballfields (Privately owned)	Entertainment and Amusement Services - Outdoor
Ballfields (Publicly owned)	Cultural & Recreational Services
Bandstands	Extensive Impact Facilities
Banking and Bank-Related Functions	Financial, Consultative, & Administrative Services
Barber and Beauty Schools	General Business & Communication Services
Barber Shop	General Personal Services
Bars	Food & Beverage Services
Batting Cages (Indoor or Outdoor)	Entertainment & Amusement Services – Indoor or Outdoor
Beaches	Cultural & Recreational Services
Beauty Shops	General Personal Services
Beverage Production & Bottling	Light Industrial Activities
Bed and Breakfast	Permanent Residential
Beer, Wine, and Distilled Alcoholic Beverage Sales	General Retail Trade
Billiard Parlors	Entertainment & Amusement Services - Indoor
Boarding or Rooming House	Semi-Permanent Residential
Boat Docks	Minimal Impact Facility
Boat Sales & Leasing	Vehicular, Craft, & Related Equipment
Book and Stationery Stores (excluding adult bookstores)	General Retail Trade
Book Binding	Light Industrial Activities
Bookkeeping Services	Financial, Consultative, & Administrative Services
Botanical Gardens	Cultural & Recreational Services
Bowling Alleys	Entertainment & Amusement Services - Indoor
Breeder, Domestic Animals (dogs, cats, etc)	Animal Care and Veterinarian Services
Brew Pub	Food & Beverage Service
Bridal Stores	General Retail Trade
Building Contractors	Construction Sales & Services
Bus & Truck Maintenance & Repair	Transport & Warehousing
Business Schools	General Business & Communication Services

C

Cabinet Making and Similar Products	Light Industrial Activities
Camera Stores	General Retail Trade
Campgrounds (Commercial)	Transient Accommodations
Candy, Nut and Confectionery Stores	General Retail Trade
Car Washes	Automotive Repair & Servicing
Catering Service	Food & Beverage Services
C&D Landfill	Extensive Impact Facilities
Cemeteries	Minimal Impact Facility
Columbarium	Undertaking Services
Chamber of Commerce	General Business & Communication Services

Chemical, Plastic & Rubber Products Manufacturing
 Chemicals and Allied Products Storage
 Chemical, Fertilizer & Non-Metallic Mineral Mining
 Child Care Centers
 Child Care Homes (Family/Group)
 Children's and Infant's Stores
 Chiropractors Offices
 Civic, Social, Fraternal, and Philanthropic
 Civil Defense Facilities
 Clay, Ceramic & Refractory Mineral Mining
 Cleaning Services (Commercial)

 Clothing Stores
 Clothing Rental Agencies
 Clocks Repair
 Clubs Private (nonprofit)
 Clubs (Automotive)

 Collection, Adjustment and Credit Reporting Agencies

 Commercial (Recreational) Resorts
 Commercial Campgrounds
 Commercial Sports Arenas and Playing Fields
 Commercial Testing Laboratories

 Communications Services

 Community Garden
 Computer and Data Processing Services

 Consignment Stores
 Consulting Research Scientists

 Contractors (Carpentering, Electrical, Plumbing, etc.)
 Convalescent Homes
 Convenience Centers (government operated)
 Convenience Markets (including gasoline and diesel fuel
 sales for passenger vehicles)
 Cookware Stores
 Correction Facility
 Court Buildings
 Credit Reporting Agencies

 Credit Unions

 Crematorium
 Crop Drying, Storage & Processing
 Crop Planting, Cultivating & Protection Services
 Cutlery Stores

D

Dairy
 Dairy Products Processing
 Dairy Products Stores

Heavy Industrial Activities
 Wholesale Sales
 Mining, Drilling & Quarrying
 General Personal Services
 Personal & Group Care Facilities
 General Retail Trade
 Medical Services
 Community Assembly
 Administrative Services
 Mining, Drilling & Quarrying
 General Business & Communication
 Services
 General Retail Trade
 General Personal Services
 Consumer Repair Services
 Community Assembly
 General Business & Communication
 Services
 General Business & Communication
 Services
 Group Assembly
 Transient Accommodations
 Group Assembly
 General Business & Communication
 Services
 General Business & Communication
 Services
 Minimal Impact Facility
 General Business & Communication
 Services
 General Retail Trade
 Financial, Consultative, & Administrative
 Services
 Construction Sales & Services
 Health Care Facilities
 Essential Service
 General Retail Trade

 General Retail Trade
 Extensive Impact Facilities
 Administrative Services
 General Business & Communication
 Services
 Financial, Consultative, & Administrative
 Services
 Undertaking Services
 Crop & Animal Raising
 Agricultural Sales & Services
 General Retail Trade

Crop & Animal Raising
 Light Industrial Activities
 General Retail Trade

Dancing Schools
 Daycare (see Child Care)
 Decorating Services
 Delicatessen
 Dental Offices and Laboratories
 Dental Instrument Manufacturing
 Department Stores
 Detective Agencies and Protective Services

 Detention Institutions
 Diagnostic Service for Automobiles
 Dies, Jigs and Fixtures Manufacturing
 Direct Selling Organization
 Distilled Alcoholic Beverages, Beer and Wine Storage
 Dormitories
 Drafting Services

 Drag Strips
 Drive-In or Drive Thru Restaurants
 Driving Schools
 Drug Stores and Proprietary Stores
 Dry Cleaning
 Dwelling, Duplex
 Dwelling, Mobile Home
 Dwelling, Multi-Family
 Dwelling, Single-Family Detached
 Dwelling, Town Home

General Personal Services

 General Personal Services
 Food and Beverage Services
 Medical Services
 Light Industrial Activities
 General Retail Trade
 General Business & Communication
 Services
 Extensive Impact Facilities
 Automotive Repair & Servicing
 Light Industrial Activities
 General Retail Trade
 Wholesale Sales
 Semi-Permanent Residential
 Financial, Consultative, & Administrative
 Services
 Group Assembly
 Food Service Drive-In & Drive Thru
 General Personal Services
 General Retail Trade
 General Personal Services
 Permanent Residential
 Permanent Residential
 Permanent Residential
 Permanent Residential
 Permanent Residential

E

Educational Research Services

 Electric, Gas, Water and Sewer Distribution and
 Collection Lines
 Electrical and Gas Substations
 Electrical Equipment & Components Manufacturing
 Electrical Supplies
 Electrical Repair Shops
 Electricity Generating Facilities
 Electricity Transmission Lines
 Electronic Store
 Employment, Personnel, and Temporary Help Services

 Engineering Services

 Equestrian Facility
 Escort Service
 Exercise Studios
 Exhibition Halls and Auditoriums (fewer than 250
 participants) Indoor or Outdoor
 Exhibition Hall and Auditoriums (250 participants or
 more)
 Extended Stay Hotel/Motel

Financial, Consultative, & Administrative
 Services
 Essential Services

 Essential Services
 Light Industrial Activities
 Construction Sales & Service
 Consumer Repair Services
 Extensive Impact Facilities
 Essential Services
 General Retail
 General Business & Communication
 Services
 Financial, Consultative, & Administrative
 Services
 Agricultural Sales & Service
 Adult Entertainment
 General Personal Services
 Entertainment & Amusement Services –
 Indoor or Outdoor
 Group Assembly

 Transient Accommodations

F

Family/Group Child Care Homes
Farm
Farm Equipment and Supplies
Farm Products Raw Materials
Farm Supplies
Farm Tours
Farm Winery and Vineyard (See also Winery)
Farmers Market
Feed Milling and Sales
Fertilizer Manufacturing
Fire Department Facilities
Fireworks & Explosive Manufacturing
Floor Covering Stores
Florists
Flea Markets and Swap Meets
Food Lockers
Forest Nursery (Wholesale)
Fortune Telling
Fuel Oil, Gasoline & Diesel Storage & Distribution
Fuel Transmission Lines and Facilities
Funeral Homes
Furniture and Home Furnishings
Furniture Repair
Furniture Stores
Furriers and Fur Shops

Personal & Group Care Facilities
Crop & Animal Raising
Agricultural Sales & Service
Wholesale Sales
Agricultural Sales & Service
Agricultural Tourism
Agricultural Sales & Service
General Retail Trade
Agricultural Sales & Service
Heavy Industrial Activities
Administrative Services
Heavy Industrial Activities
General Retail Trade
General Retail Trade
General Retail Trade
Transport & Warehousing
Plant & Forest Nurseries
General Personal Services
Heavy Industrial Activities
Essential Services
Undertaking Services
General Retail Trade
Consumer Repair Services
General Retail Trade
General Retail Trade

G

Garbage or Waste Incineration Plants including Co-generation Facilities
Gas Distribution Lines
Gas Substations
Gasoline Service Stations (see Convenience Market)
General Building Contractors
General Merchandise Stores
General Warehousing
Gift Shops
Glassware and China Shops
Golf Courses
Golf Driving Ranges

Golf (miniature)

Government Offices
Groceries and Related Products Storage & Distribution
Grocery Stores
Group Home for Persons with Physical or Mental Handicap
Group Home for Persons with Physical or Mental Handicap (With fewer than eight residents)
Group Living Arrangements

Extensive Impact Facilities

Essential Services
Essential Services

Construction Sales & Service
General Retail Trade
Transport & Warehousing
General Retail Trade
General Retail Trade
Minimal Impact Facilities
Entertainment & Amusement Services – Outdoor
Entertainment & Amusement Services – Outdoor
Administrative Services
Wholesale Sales
General Retail Trade
Personal & Group Care Facilities

Permanent Residential

Institutional Care Facilities

Gun Shops
Gunsmith Shops
Gymnasiums

General Retail Trade
Consumer Repair Services
Cultural & Recreational Services

H

Halfway Houses (see Transitional Homes)
Hardware Store
Harvest-your-own activities
Health Spas
Heating Supplies
Heliports
Hobby, Toy, and Game Stores
Holding and Investment Organizations

General Retail Trade
Agricultural Tourism
General Personal Services
Construction Sales & Services
Extensive Impact Facilities
General Retail Trade
Financial, Consultative, & Administrative
Services
Agricultural Sales & Services
Health Care Facilities
Transient Accommodations
General Retail Trade

Horticultural Services
Hospitals
Hotel
Household Appliance Stores

I

Indoor Gun Ranges
Infant and Children Stores
Insurance Carriers, Agents, Brokers, and Service

Entertainment and Amusement Facilities
General Retail Trade
Financial, Consultative, & Administrative
Services
General Personal Services
Financial, Consultative, & Administrative
Services

Interior Decorator
Investment and Money Management Offices

J

Jewelry Repair
Jewelry Stores
Junk Yards

Consumer Repair Services
General Retail Trade
Scrap Operations

K

Kennels

Animal Care & Veterinarian Services

L

Labor Union Offices and Halls
Laboratories (Commercial Testing)
Laboratories (Medical)
Lamp and Shade Shops
Landscaping Contractors
Laundry, Cleaning and Garment Services
Lawn and Garden Supply Stores
Lawn Mower Repair Shops
Lecturers

General Business & Communication
Services
General Business & Communications
Services
Medical Services
General Retail Trade
Construction Sales & Services
General Personal Services
General Retail Trade
Consumer Repair Services
Financial, Consultative, & Administrative
Services

Libraries
Linens and Bedding Stores
Locksmith Shops
Lodges
Lubricating Services
Luggage Shops
Lumber and Other Construction Materials

Cultural & Recreational Services
General Retail Trade
Consumer Repair Services
Community Assembly
Automotive Repair & Servicing
General Retail Trade
Construction Sales & Services

M

Mail Processing Centers
Mailing, Reproduction, and Commercial Art Services

Major Fuel Transmission Lines and Facilities
Management, Consulting, and Public Relations Services

Marshaling and Storage Yards
Martial Arts Studios
Massage Parlor
Massage Therapy Clinic
Mausoleums
Meat Byproduct Processing
Meat Packing & Poultry Processing
Meat and Seafood Markets
Medical Clinics
Medical Instrument Manufacturing
Meeting Halls
Membership Organizations

Metal Production
Metal Ore and Mineral Mining
Military Installations
Mini Warehouses (included by special exception only)
Mobile Home Dealers
Motel
Motor Vehicle & Boat Manufacturing
Motor Vehicle Cleaning and Detailing Services
Motor Vehicle Clubs

Motor Vehicle Engine Repair and Replacement Shops
Motor Vehicle Glass Repair and Replacement Shops
Motor Vehicle Inspection and Diagnostic Services
Motor Vehicle Junk Yards
Motor Vehicle Minor Repairs
Motor Vehicle Paint and Body Shops
Motor Vehicle Parking Lots & Garages
Motor Vehicle Parts (No exterior storage)
Motor Vehicle Sales & Leasing
Motor Vehicle Towing Services
Motor Vehicle Transmission Repair Shops
Motorcycle Dealers
Movie Theaters (excluding adult entertainment as defined)

Extensive Impact Facilities
General Business & Communication Services
Essential Services
Financial, Consultative, & Administrative Services
Transport & Warehousing
General Personal Services
Adult Entertainment
General Personal Services
Undertaking Services
Heavy Industrial Activities
Heavy Industrial Activities
General Retail Trade
Medical Services
Light Industrial Activities
Community Assembly
General Business & Communication Services
Heavy Industrial Activities
Mining, Drilling & Quarrying
Extensive Impact Facilities
General Personal Services
Vehicular, Craft, & Related Equipment
Transient Accommodations
Heavy Industrial Activities
Automotive Repair & Servicing
General Business & Communication Services
Automotive Repair & Servicing
Automotive Repair & Servicing
Automotive Repair & Servicing
Scrap Operations
Automotive Repair & Servicing
Automotive Repair & Servicing
Automotive Parking
General Retail Sales
Vehicular, Craft, & Related Equipment
Automotive Repair & Servicing
Automotive Repair & Servicing
Vehicular, Craft, & Related Equipment
Entertainment & Amusement Services –
Indoor

Museums
Muffler and Radiator Shops
Music Schools
Music Stores
Musical Instrument Repair Shops

Cultural & Recreational Services
Automotive Repair & Servicing
General Personal Services
General Retail Trade
Consumer Repair Services

N

News Stands (excluding adult bookstores as defined)
News Syndicates

General Retail Trade
General Business & Communication
Services
Community Education
General Retail Trade
Plant & Forest Nurseries
Health Care Facilities

Nursery Schools (Public/Private)
Nurseries (retail)
Nurseries (wholesale)
Nursing Homes

O

Observation Centers
Office Equipment Cleaning and Repair
Optical Instrument & Lens Manufacturing
Optometrists

Health Care Facilities
Consumer Repair Services
Light Industrial Activities
Medical Services

P

Packing and Crating Services
Paint and Wallpaper Stores
Paintball Fields
Painting, Paper Hanging and Decorating Services
Paper Manufacturing
Parks
Pet Day Care
Pet Grooming and Cleaning
Petroleum and Petroleum Products Storage/ Production
Photo-finishing Services

Transport & Warehousing
General Retail Trade
Entertainment & Amusement Services –
Outdoor
General Personal Services
Heavy Industrial Activities
Cultural & Recreational Services
Animal Care & Veterinarian Services
Animal Care & Veterinarian Services
Heavy Industrial Activities
General Business & Communication
Services
General Personal Services
Medical Services
Cultural & Recreational Services
Financial, Consultative, & Administrative
Services
Plant & Forest Nurseries

Photographic Studios
Physicians' Offices and Clinics
Planetariums
Planning Services

Plant Nursery (wholesale)
Playfields – See Ballfields
Playgrounds
Plumbing Supplies
Police Department Facilities
Political Organizations

Cultural & Recreational Services
Construction Sales & Services
Administrative Services
General Business & Communication
Services
Administrative Services
General Business & Communication
Services
Light Industrial Activities
General Business & Communication Services

Post Offices
Printing, Publishing & Engraving

Product Assembly (within enclosed buildings)
Professional Associations

Protective Services
Psychologists and Psychotherapists
Pumping Facilities for Water and Sewer Systems

General Business & Communications
Services
Medical Services
Essential Services

Q

Quarrying (rock, stone, gravel)

Mining, Drilling, & Quarrying

R

Race Tracks (Auto, Motorcycle, Dog, and Horse)
Radio and Television Broadcasting Studios

Radio and Television Transmission Facilities
Railroad Yards and Other Transportation Equipment
 Marshaling and Storage Yards
Raising of Plants, Animals & Fish
Rap Parlor
Real Estate Brokers, Managers and Appraisers

Recreational Centers
Recreational Vehicle, including all-terrain vehicles(ATV)
 and Utility Trailer Dealers
Recording Studios

Recycling Centers
Refrigerated Warehousing
Rehabilitation Centers
Religious Facilities
Remote Controlled Fields (Airplanes, Cars, etc.)

Rental Agencies
Rental Agencies (Heavy Equipment)
Research and Development Laboratories

Restaurants
Restaurants with Drive-in or Drive-Thru Service
Retail Nurseries
Retirement or Rest Homes (without health care)
Retreat

Group Assembly
General Business & Communication
 Services
Extensive Impact Facilities
Extensive Impact Facilities

Crop & Animal Raising
Adult Entertainment
Financial, Consultative, & Administrative
 Services
Cultural & Recreational Services
Vehicular, Craft, & Related Equipment

General Business & Communication
 Services
Light Industrial Activities
Transport & Warehousing
Health Care Facilities
Community Assembly
Entertainment and Amusement Services -
 Outdoor
General Personal Services
Light Industrial Activities
General Business & Communication
 Services
Food & Beverage Services
Food Service Drive-In & Drive-Thru
General Retail Trade
Personal & Group Care Facilities
Minimal Impact Facility

S

Saddlery Repair Shops
Salvage Operations
Sanitary Landfill (by special exception only)
Savings and Loan Associations

Schools (Art and Music)
Schools (Barber and Beauty)

Schools (Business)

Consumer Repair Services
Scrap Operations
Extensive Impact Facilities
Financial, Consultative, & Administrative
 Services
General Personal Services
General Business & Communication
 Services
General Business & Communication Services

Schools (Dancing)
 Schools (Driving, Personal Passenger Vehicles)
 Schools (Driving, Trucks & Heavy Vehicles)
 Schools (Kindergarten, Primary, Secondary)
 Schools (Trade)

 Scientific Research Services

 Scientific & Professional Instrument Manufacturing
 Scientists (Medical Research)
 Scrap & Waste Processing
 Seasonal Attractions
 Securities Commodities, Brokers, Dealers, and Exchanges
 Secondhand Stores & Shops
 Seed Storage and Sales
 Sewage Treatment Plants (excluding decentralized systems such as STEP)
 Sewing and Piece Goods Stores
 Sexual Encounter Center
 Shoe Repair Shops
 Shoe Stores
 Single Room Occupancy Residential Facility (SRO)
 Skating Rinks

 Soil Preparation Services
 Songwriters, Music Arrangers

 Special Training and Schooling Services
 Sporting Goods Stores
 Sports Arenas (Commercial)
 Sport Tracks – Outdoor (i.e. motocross, mudbogs, etc.)

 Stadiums and Sports Arenas
 Swimming Pools (Community)

General Personal Services
 General Personal Services
 Light Industrial Activities
 Community Education
 General Business & Communication Services
 Financial, Consultative, & Administrative Services
 Light Industrial Activities
 Medical Services
 Scrap Operations
 Agricultural Tourism
 Financial, Consultative, & Administrative Services
 General Retail Trade
 Agricultural Sales & Services
 Extensive Impact Facilities

 General Retail Trade
 Adult Entertainment
 Consumer Repair Services
 General Retail Trade
 Transient Accommodations
 Entertainment & Amusement Services – Indoor
 Agricultural Sales & Services
 Financial, Consultative, & Administrative Services
 General Personal Services
 General Retail Trade
 Group Assembly
 Entertainment and Amusement Services - Outdoor
 Extensive Impact Facilities
 Cultural & Recreational Services

T

Tattoo Services
 Tailors
 Telephone Switching Facilities
 Television and Recording Production Studios

 Television Transmission Facilities
 Terminals (Bus, Railroad, Transit)
 Testing Laboratories (Commercial)

 Theaters (Movie or Live)

 Tire Retreading and Repair Shops
 Title Offices

 Tobacco Products
 Transit Passenger Stations

General Personal Services
 General Retail Trade
 Essential Services
 General Business & Communication Services
 Extensive Impact Facilities
 Extensive Impact Facilities
 General Business & Communications Services
 Entertainment & Amusement Services – Indoor
 Automotive Repair & Servicing
 Financial, Consultative, & Administrative Services
 General Retail Trade
 Essential Services

Transitional Homes
Transmission Repair Shops and Tire Retreading
Truck and Bus Maintenance/Repair
Truck Stops with Facilities for Fueling, Truck Parking and Washing
Truck Terminals and Freight Handling Services
Truck Yards, including Storage Yards

Institutional Care Facilities
Automotive Repair & Servicing
Transport & Warehousing
Transport & Warehousing
Transport & Warehousing
Extensive Impact Facilities

U

Undertakers
Uniform Stores
Upholstery Repair
Upholstery, Curtain and Drapery Stores

Undertaking Services
General Retail Trade
Consumer Repair Services
General Retail Trade

V

Variety Stores
Vegetable and Fruit Market/Store
Veterinarian Clinics
Veterinarian Services for Large Animals

General Retail Trade
General Retail Trade
Animal Care & Veterinarian Services
Agricultural Sales & Services

W

Warehouses
Watch Repair
Water Storage Facilities
Water Treatment Plants
Wedding Chapels
Welding & Machine Shops
Winery (see also Farm Winery & Vineyard)
Wood Products Manufacturing & Planning Mills
Wrecker Services
Writers

Transport & Warehousing
Consumer Repair Services
Essential Services
Extensive Impact Facilities
General Personal Service
Light Industrial Activities
Food & Beverage Service
Light Industrial Activities
Transport & Warehousing
Financial, Consultative, & Administrative Services

Y

Yoga Studio

General Personal Services

Z

Zoo

Cultural & Recreational Services

APPENDIX D

Off Street Parking Requirements

RESIDENTIAL ACTIVITIES	
Permanent	
One-family, two-family detached dwellings, Townhomes	2 spaces per dwelling unit
Multi-Family	1.5 spaces for a one-bedroom unit and 1.75 spaces for two or more bedroom unit
Mobile Homes	2 spaces per mobile home
Bed & Breakfast Homestay	1 space for each guest room
Semi-Permanent	
Boarding or rooming house	1 space per unit
Dormitory	1 space for each 4 beds
COMMUNITY FACILITY ACTIVITIES	
Administrative Services	1 space for each 300 sq. ft. of gross floor area
Community Assembly	
Religious Facilities	1 space for each 5 seats in main assembly room or 20 percent of capacity in main assembly room
All Others	1 space for each 2 seats or 50 percent capacity in persons
Community Education	
Kindergarten or Nursery	1 space for each employee plus 1 space for each 4 students, teachers and employees, whichever is greater
Elementary & Middle Schools	1 space for each classroom or 1 space for each 5 seats in the auditorium or 1 space for each 4 students, teachers and employees, whichever is greater
High School	4 spaces for each classroom or 1 space for each 5 seats in the auditorium or 1 space for each 4 students, teachers and employees, whichever is greater
Cultural & Recreation Services	
Art Galleries, Libraries, & Museums, Swimming pools	1 space for each 800 sq. ft. of gross floor area 30 percent of capacity
Extensive Impact Facilities	
Airports, Air Cargo Terminals, Heliports or Aeronautical Devices	1 space for each 2 employees, plus 1 space for every 100 sq. ft. of gross floor area

Correctional or Detention Institutions	1 space for each 2 employees, plus 1 space for each patrol car
Electricity Transmitting Facilities, Communication Towers & Transmission Facilities	2 spaces minimum, the Board may require more based on operational characteristics
Railroad, Bus & Transit Terminals	1 space for each 100 sq. ft. of waiting room area
Railroad Yards & Other Transportation Equipment Marshaling & Storage Yards	1 space for each 2 employees
Stadiums, Sports Arenas, Auditoriums & Bandstands	1 space for each 4 seats
Water & Sewage Treatment Plants	1 space for each employee
Health Care Facilities	
Centers for Observation, Rehabilitation, Convalescent Homes	1 space for each 4 beds, plus 1 space for each 1,000 sq. ft. of gross floor area
Hospitals	1.5 spaces for each bed
Nursing Homes	1 space for each employee, plus 1 space for each 3 patients
Institutional Care Facilities	
	1 space for each employee plus 1 space for each 3 occupants
Minimal Impact Facilities	
Retreats	1 space for every 3 people at maximum capacity of the main assembly room plus one space for every guestroom or campsite
Personal & Group Care Facilities	
Family/Group Child Care Homes	1.5 spaces for each 2 employees
Senior Citizen Residential Centers High-rise Apartments Detached or Low-rise Attached Units	0.75 spaces per unit 1 space for each unit
COMMERCIAL ACTIVITIES	
Adult Entertainment	1 space for each 250 sq. ft. of gross floor area
Animal Care and Veterinarian Services	1 space for each 250 sq. ft. of gross floor area, plus 1 space for each employee
Automotive Repair & Services Oil Change Shops	1 space for each employee, plus 4 spaces for each service bay 2 spaces for the use, plus 2 spaces per oil change bay
Consumer Repair Services	1 space for each 250 sq. ft. of gross floor area
Construction Sales & Services	1 space for each 1,000 sq. ft. of sales/office floor area, plus 1 space for each employee
Entertainment & Amusement Services	
Art Galleries	1 space for each 800 sq. ft. of gross floor area
Ballfields	10 for every acre of land, plus 1 for every 4

	spectator seats or 1 for each 8 linear feet of bleacher seats whichever is greater
Bowling Alley	5 spaces for each alley or lane
Billiard Parlor	1 space for each 300 sq. ft. of gross floor area
Amusement Arcades	1 space for each 200 sq. ft. of gross floor area
Exhibition Halls & Auditoriums (fewer than 150 participants)	40 percent of capacity
Movie Picture & Live Theater	1 space for each 5 seats
Financial, Consultative & Administrative Services	
	1 space for each 250 sq. ft. of gross floor area
Food and Beverage Services	
	1 space for each 2 seats
Food Service Drive-in or Drive-Thru	1 space for each 150 sq. ft. of gross floor area, plus 5 queuing spaces
General Business & Communications Services	
Vocational or Trade Schools	1 space for each 1,000 sq. ft. of gross floor area plus 1 space for each 6 seats in any auditorium
All Others	1 space for each 400 sq. ft. of gross floor area
General Personal Services	
Child Care Centers	1 space for each employee, plus 1 space for each 5 children
Dance Schools & Exercise Studios	1 space for each 100 sq. ft. of gross floor area
Health Spa	1 space for each 150 sq. ft.
Mini Warehouses	1 space for each 20 storage stalls, plus 2 spaces per managers residence
All Others	1 space for each 400 sq. ft. of gross floor area
General Retail Trade	
Furniture Stores	1 space for each 500 sq. ft. of gross floor area
Commercial Shopping Centers, Complexes and Malls	
0 - 400,000 sq. ft.	4 spaces for each 1,000 sq. ft. of gross leasable area
400,001 - 1,000,000 sq. ft.	4.5 spaces for each 1,000 sq. ft. of gross leasable area
Over 1,000,000 sq. ft.	5.0 spaces for each 1,000 sq. ft. of gross leasable area
All Others	1 space for each 250 sq. ft. of gross floor area
Medical Services	
	1 space for each 200 sq. ft. of gross floor area
Transient Accommodations	
	1 space for each rental room, plus 1 space for each 2 employees
Campground	1 space per campsite
Undertaking Services	
Funeral & Crematory Services	1 space for each 100 sq. ft. of gross floor area

With an Associated Chapel	1 space for each 4 seats
Vehicular, Craft & Related Equipment	1 space for each 500 sq. ft. of gross floor area
Wholesale Sales	1 space for each 1,000 sq. ft. of gross floor area
INDUSTRIAL ACTIVITIES	
All Activities	1 space for each 1,500 sq. ft. of gross floor area or 1 space for 3 employees during the largest shift, whichever is greater
Mining, Drilling & Quarrying	1.5 spaces for each 2 employees
Transport & Warehousing	1 space for each 2,000 sq. ft., plus 1 space for each 5,000 sq. ft. of open storage area
AGRICULTURAL ACTIVITIES	
Agricultural Sales and Services	
Veterinary Services for large animals	1 space for each 300 sq. ft. of gross floor area
Feed & Farm Equipment Sales	1 space for each 1,000 sq. ft. of gross floor area, plus 1 space for each employee
All Others	1 space for each employee
Plant & Forest Nurseries	5 spaces, plus 1 space for each employee and 1 space for each 5 acres