

## ARTICLE IV

### SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

#### SECTION

- 4.010 Off-street parking requirements
- 4.020 Off-street loading and unloading requirements
- 4.030 Temporary use regulations
- 4.040 Customary incidental home occupations
- 4.050 Fall-out shelter restrictions
- 4.060 Gasoline service station restrictions
- 4.070 **Deleted in its entirety by Ordinance 05-002, May 25, 2005**
- 4.080 Development standards for mobile home parks
- 4.090 Development standards for automobile wrecking,  
junk and salvage yards
- 4.100 Floodplain district regulations
- 4.110 Supplementary definitions
- 4.120 Administration and enforcement
- 4.130 Provisions for flood hazard reduction
- 4.140 Minimum residential front yard requirements on  
turn-arounds of cul-de-sac streets
- 4.150 Development standards as apply to  
multi-family dwellings
- 4.160 Development standards applying to duplex residential  
dwellings, as well as zero-lot line two-family dwellings
- 4.170 Special provisions for mini-warehouse facilities  
(self-service storage facilities)

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

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

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

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be two hundred (200) square feet in size (10 feet x 20 feet) and such space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property owned by the relevant

property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use they service. This shall generally mean that each parking space serving a particular dwelling unit shall be no more than one hundred (100) feet away from the front door of said dwelling unit. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

4.010.1. Number of parking spaces required. The number of off-street parking spaces shall be provided for the specified unit of measure (or fraction on one-half (1/2) or more thereof) for the following specified uses within the activity types indicated.

4.010.1.A. Residential Activities

(1) Permanent

(a) Single-Family Dwelling, Two-Family and Duplex Dwelling.

Two (2) spaces per dwelling unit.

(b) Triplex, Quadruplex and Multi-Family Dwelling (Three (3) or more:

Two (2) spaces per dwelling unit.

(c) Mobile Homes:

Two (2) spaces per mobile home.

(d) Where Occupancy is to be Primarily Elderly Persons over the Age of Sixty (60):

The number of developed spaces may be reduced to one (1) space per unit. There must be room on the lot to provide one and one-half (1 1/2) spaces in the future.

(2) Semi-Transient

(a) Boarding and Rooming House:

One and one half (1 1/2) spaces for each dwelling or rooming unit.

4.010.2.A. Community Facility Activities

<b><u>ACTIVITY TYPE</u></b>	<b><u>UNIT OF MEASUREMENT</u></b>
Administrative (300) and Government	One (1) space for each hundred square feet of gross floor area, plus one (1) for each three (3) employees.

Community Assembly

One (1) space for each two (2) seats or one-half (1/2) of capacity in persons whichever is greater.

Educational Facilities

Kindergarten and Nursery: One (1) space for each employee, plus one (1) space for each six (6) students.

teacher

Elementary and Middle Schools, Grades 1-7: One (1) space per and per staff member, plus one (1) space per two (2) classrooms.

High School, Grades 8-12: One (1) space per teacher and per staff member on the largest work shift, plus one (1) space per three (3) students.

(1)

Vocational or Trade Schools: One space for each one thousand (1,000) square feet of gross floor area, plus one (1) space for each two (2) seats in any associated auditorium.

Cultural and Recreation  
Services and Facilities

Art Galleries, Libraries, Museums, Zoological and Botanical Gardens, Planetariums and Aquariums: One (1) space for each eight hundred (800) square feet of gross floor area.

Swimming Pools: Thirty (30) percent of capacity of the pool in terms of the maximum number of persons it is licensed to safely handle.

Parks, Playgrounds and Playfields: Ten (10) spaces for each acre of land devoted to recreation, plus one (1) space for each four (4) spectator

seats.

Recreation Centers and Gymnasiums: Fifty (50) percent of the capacity,

plus

one (1) space for each two (2)  
employees.

Extensive Impact  
Type Facilities  
and Land Uses  
plus

Airports, Air Cargo Terminals,  
Heliports, Aeronautical or Devices:  
One (1) space for each employee,

one (1) space for every one hundred  
(100) square feet of gross floor area.

Correctional or Detention

One (1) space for each employee,

one (1) space for each patrol car.

one (1) for each five (5) inmates.

Railroad, Bus, and Transit Terminals:

One (1) space for each one hundred  
(100) square feet of waiting room.

Railroad Yards and Other  
Transportation Equipment

and Storage Yards: One (1) space for  
each employee.

Stadiums, Sports Arenas,  
Auditoriums, and Band-Stands:

One (1) space for each four (4) seats.

Water and Sewage Treatment Plants:

One (1) space for each employee.

Institutions:

plus

Plus

Marshaling

Health Care Facilities

Centers for Observation or  
Rehabilitation, Convalescent Homes:

One (1) space for each four (4) beds,  
plus one (1) space for each one  
thousand (1,000) square feet of gross  
floor area. Plus one (1) per employee.

Hospitals: One and one-half (1 1/2)  
spaces for each bed.

Medical or Dental Clinics: Five (5)  
spaces for each staff member or  
doctor or dentist or two (2) spaces for  
each treatment or examination room,  
which-ever is greater.



Intermediate Impact  
Type Facilities  
and Land Uses

Colleges, Junior Colleges and University: One (1) space for each one thousand (1,000) square feet of gross floor area suited for academic purposes, plus one (1) space for each six (6) seats in an auditorium, arena,

or

stadium on the same lot.

Special Personal and  
Mentally  
Group Care Type  
Facilities and Land Uses

Associations for Physically or Handicapped: One (1) space for each employee.

Family Day Care Homes: Two (2) spaces per each employee including those living within the home.

space

Day Care Center: One (1) space per each five (5) pupils, plus one (1) for each employee.

Nursing Homes: One (1) space for each employee, plus one (1) space for each two (2) patients. Plus one (1) per employee.

Religious Facilities

All Other Activity Types: One (1) space for each three (3) seats.

4.010.3.A. Commercial Activities

4.010.3.A.(1) Uses Located on Freestanding Sites

The provisions of this subsection shall apply to uses which are located on individual lots of record where no parking is shared with any other use or activity.

<u>ACTIVITY TYPE</u>	<u>GROSS FLOOR AREA (Square Feet)</u>
1. Animal Care & Veterinarian Services	300
2. Retail Trade - Apparel and Accessories	150



3.	Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental, and Delivery	25% of the gross lot area shall be allocated to parking.
4.	Automotive Service and Repair	250
5.	Building Materials & Farm Equipment Sales	1,000
6.	Contract Construction	500
7.	Contract Construction Services	300
8.	Convenience Retail Sales and Services	100
9.	Equipment Repair Services	500
10.	Entertainment and Amusement Services:	
	(a) Art Galleries (Commercial)	400
	(b) Motion Picture Theaters	One (1) space per four (4) permanent seats.
	(c) Theaters (Legitimate)	One (1) seat for each permanent seats plus one (1) for every twenty-five (25) square feet of area where temporary seats are used.
	(d) Bowling Alleys and Billiard Parlors	Five (5) spaces per each alley, or every two (2) pool tables whichever is applicable.
	(e) Coin Operated Amusement or Arcade	One (1) space per two hundred-fifty (250).

	(f)	Commercial Sporting Facilities	One (1) space per employee plus other spaces as determined by the planning commission.
	(g)	Dance Halls, Studios and Schools, and Skating Rinks	100
	(h)	Exhibition Halls and Commercial Auditoriums	40% of maximum capacity in persons.
	(i)	Gardens (Botanical and Zoological)	One (1) space per employee plus other spaces as determined by the planning commission.
	(j)	Marinas, Boat Docks and Boat Rental	One (1) space per employee plus other spaces as determined by the planning commission.
	(k)	Recording and Motion Picture Productions Studios	One (1) space per each three (3) seats.
each	(l)	Theatrical Producers, Band, Orchestras and Entertainers	One (1) space per three (3) seats.
	(m)	Riding Stables	Minimum of five (5) spaces plus one (1) per each employee.
each	(n)	Resorts and Group Camps	One (1) space per employee at peak season plus other spaces as required by the planning commission.
11.		Financial and Real Estates Services	200 plus one (1) space per every employee.



12.	Consulting and Administrative Services	400
13.	Food and Beverage Service General (Inside Service Only)	100
14.	Food and Beverage Service General (Containing drive-through facilities)	100
15.	Food and Alcoholic Beverage Services	100
16.	General Business and Communications Services	400 plus one (1) space per each employee.
17.	Communications Services	300
18.	General Personal Services	
	(a) Funeral and Crematory Services	One (1) space per one hundred (100) square feet of gross floor area or where a chapel is provided, one (1) space for each four (4) seats, plus one (1) space for every five (25) square feet of floor area where temporary seats are used whichever the greater number of spaces.
	(b) All Other Personal Services	200
19.	General Retail Trade	250
	(a) Department Store	
	(b) Variety Store	

twenty-

require

(c) Misc. General

(d) Merchandise Store

twenty-

- |     |  |   |
|-----|--|---|
| 20. | Group Assembly                           | One (1) space per four (4) permanent seats plus one (1) space for every five (25) square feet of area where temporary seats are used. |
| 21. | Professional Services - Medical          | 300   |
| 22. | Professional Services - Non-Medical      | 400   |
| 23. | Transient Habitation (Motels and Hotels) | One (1) space for each unit in a building serving transient guests.   |

4.010.3.A.(2) Uses Located Within Commercial Complexes

Where two (2) or more commercial activities are grouped together on a single site or in any other configuration which involves the use of shared or common parking facilities, the parking requirements for such uses shall be calculated as provided herein.

**SHOPPING CENTERS**

<b><u>Size of Complex (gross square footage)</u></b>	<b><u>Number of Spaces Required</u></b>
0 - 400,000 sq. ft.	Five (5) spaces per one thousand (1,000) square feet, gross leasable area
400,000 - 600,000 sq. ft.	Five and one half (5 1/2) spaces per one thousand (1,000) square feet, gross leasable area
600,000 - 1,000,000 sq. ft. and above	Six (6) spaces per one thousand (1,000) square feet, gross leasable area

**ALL OFFICE COMPLEXES**

Four and one-half (4 1/2) spaces per one thousand (1,000) square feet of gross leasable area

4.010.4.A. Manufacturing and Industrial Activities

One (1) space for each one thousand (1,00) square feet of gross floor area or one (1) space for each employee during the largest shift, whichever is greater.

4.010.4.A(1) Warehousing, Foods or Freight Transport, Storage

One (1) space for each three thousand (3,000) square feet of gross floor area plus one (1) space for each seven thousand (7,000) square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.

4.010.4.A.(2) Manufacturing: Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards

One (1) space per each one thousand (1,000) square feet of gross floor area or one (1) space for each eight thousand (8,000) square feet of gross lot area, whichever is greater.

4.010.5.A. Agricultural, Resource Production, or Extractive Activities

Agricultural Services	One (1) space for each employee and for veterinary services, one (1) space for each three hundred (300) square feet of gross floor area.
Commercial Feed Lots and Stockyards	As determined by the planning commission.
Mining, Drilling, and Quarrying	One and one-half (1 1/2) spaces for each employee.
Plant and Forest Nurseries	Five (5) spaces, plus one (1) space for each employee and one (1) space for each five (5) acres.

4.010.6.A. Other Land Uses

For buildings and land uses not referred to in the pre-cited activity classifications and specifically listed in the corresponding use classification listing cited within Section 2.030, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011. Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such spaces. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section to be are met.

4.012. Combination of required parking spaces. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4.013. Remote parking spaces. If the off-street parking spaces required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

4.014. Extension of parking area into a residential district. Required parking space may be extended one hundred (100) feet into a residential district, provided that:

- A. The parking area adjoins a commercial or industrial district.
- B. The parking spaces in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
- C. The parking area is separated from abutting properties in the residential districts by a buffer strip.

4.015. Requirements for design of parking lots

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back onto a public street to obtain egress.
- B. Each parking space shall be no less than two hundred (200) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090, of this ordinance.

- D. There shall be a parking aisle at least twenty-two (22) feet wide serving all 90 degree and 60 degree angled parking spaces. For all 30 and 45 degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width. Each parking space shall contain its own exclusive parking aisle.
- E. All off-street parking areas shall be surfaced with asphalt or concrete or other type of impervious surface capable of withholding the traffic load as deemed acceptable by the planning commission, and so constructed to provide for adequate drainage for all on and off-site affected properties such that stagnant pools of water are eliminated, as well as to prevent the release of siltation off the site. All parking spaces shall be clearly marked.
- F. No parking spaces serving any residential development shall be located further than seventy-five (75) feet from seventy-five (75) percent of such dwelling units served and none shall be located more than one hundred (100) feet therefrom.

4.020. Off-street loading and unloading requirements. Every building or structure hereafter constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<b><u>Total Usable Floor Area for Principal Building</u></b>	<b><u>Spaces Required (See ARTICLE II, for Definition)</u></b>
0 to 4,999 sq. ft.	One (1) space
5,000 to 20,000 sq. ft.	Two (2) spaces
Over 20,000 sq. ft.	One (1) space for each additional 20,000 sq. ft.

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

4.030. Temporary use regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses, non-permanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following use are deemed to be temporary uses and shall be subject to the specific regulations of any district in which such use is located:

- A. Carnival or Circus: May obtain a Temporary Use Permit in the C-2, I-1, or I-2 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. Christmas Tree Sale: May obtain a thirty (30) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.

- C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings: In any district, a Temporary Use Permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Unit In Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Second South Cheatham Utilities System and the Cheatham County Health Department, approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.
- F. Fireworks Sales: In any C-2, I-1, or I-2 District, a Temporary Use Permit may be issued to sell fireworks. The maximum length of permit for the display and sales shall be twenty-five (25) days. The parcel upon which the temporary use is located shall be no less than five hundred (500) from other similar uses as measured from structure to structure, and no residential structure shall be within three hundred (300) feet from the temporary use site. All applicable provisions as cited within other portions of the city code must be satisfied. Such activity shall only permitted on lots where adequate off-street parking can be provided.
- G. Produce or Farm Stand: In any NON-RESIDENTIAL zoning district, a Temporary Use Permit may be issued for the temporary establishment of roadside farm stands. Such produce stands shall be open for no more than six (6) months per year. these stands shall neither block nor be located in any street right-of-way, and shall be a minimum of ten (10) feet from the paved surface of the street. All sight distance requirements as cited within this ordinance shall apply when said use or activity is situated within seventy-five (75) feet of any street intersection, and all temporary signage therewith shall be affixed to the stand and when added together shall not exceed thirty-five (35) feet in area. All advertising shall pertain to produce sold at the stand. Such use shall only be allowed on lotS where adequate off-street parking can be provided.

4.040. Customary incidental home occupations. A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, and the like, barber, beauty and tailor shops) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration shall be made to any building which is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine in which zone said home occupation shall be located. However, activities such as dancing instruction, band instrument instruction, except piano instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

4.050. Fall-out shelter restrictions. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060. Gasoline service station restrictions. The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
- C. Sign requirements as established in ARTICLE IV, SECTION 4.080, shall be met.

**4.070. Planned development regulations. (Deleted by Ordinance 05-002, May 25, 2005)**

4.080. Development standards for mobile home parks. The following land development standards shall apply for all mobile home parks:

- A. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- B. The mobile home park shall be located on a well drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.

C. Dimensional Requirements for Parks:

1. Each mobile home park shall have a front yard setback of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
2. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

D. Dimensional Requirements for Mobile Home Spaces: Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers. For double-wide mobile homes each space shall be at least sixty (60) feet wide.
2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile home parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
4. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.
5. Each mobile home space shall be provided with a pad which shall extend well beyond the exterior dimensions of the mobile home it serves, which at a minimum shall be twelve (12) feet by fifty (50) feet, and shall be constructed of four (4) inches of compacted gravel.

6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be three thousand six hundred (3,600) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

No mobile home park shall be permitted unless such park is served by a public water supply.

E. General Requirements:

1. Roads within the mobile home park shall be paved to a width of not less than twenty (20) feet in accordance with the procedures and standards for minor residential streets as specified in the Kingston Springs Subdivision Regulations; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
2. All mobile home spaces within the park shall abut the access road as described in Subsection E.1, of this section.
3. Each mobile home space shall be provided with a connection to city's sanitary sewer line, or be served by another acceptable sanitary sewerage system.
4. Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tiedowns of mobile homes.

F. Plans and Schedules Required: The following information shall be shown on the required site plan:

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.
4. The location, and size of all mobile home spaces.

5. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant.
9. A comprehensive drainage plan.
10. The location of all existing and proposed utilities (water and sewer lines) serving the mobile home park. If the park is to be served by private sewerage systems, adequate information describing the type and location of such private system(s). If septic tanks are to be used, a soils map or percolation map must be submitted showing the approved drainfield location on each individual mobile home lot (space area).
11. Such other architectural, engineering, and topographical data as may be required to permit the local health department, the Kingston Springs Building Inspector, the staff planner, and the Board of Zoning Appeals to determine if the provisions cited in ARTICLE VII, SECTION 7.050, of these regulations, are being complied with shall be submitted with the site plan.
12. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
13. All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of SECTION 6.010, of this ordinance.

G. Application for Mobile Home Park Building Permit: An application for a permit to develop and construct a mobile home park shall be filed in accordance with the requirements of ARTICLE VII, SECTIONS 7.020 and 7.050, of this ordinance, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner:

1. The written application, plans, and schedules, herein required, shall be submitted to the Kingston Springs Building Inspector and staff planner. The Building Inspector and staff planner shall dully review with other affected agencies and departments.
2. The Kingston Springs Building Inspector and staff planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

4.090. Development standards for automobile wrecking, junk and salvage yards. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlines above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they shall not catch and hold water in which mosquitoes may breed and so that they shall not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to lower property values and/or to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within and enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking: As regulated in ARTICLE IV, SECTION 4.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
  - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
  - 3. Other applicable requirements of Section 3.090 shall be met.
- G. Application for Automobile Wrecking, Junk, or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Kingston Springs until he has secured a permit from the Kingston Springs Board of Zoning Appeals. An application for said permit shall be filed in accordance with the requirements of ARTICLE VII, SECTION 7.050, of this ordinance, and shall be accompanied by a detailed site plan, a schedule for construction, and any other information as herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule set forth in SECTION 7.050.

**4.100. Floodplain district regulations. (Amended Section 4.100 thru Subsection 4.130.7, and Renumbering Sections Following by Ordinance 03-004, July 17, 2003)**

4.100.1. Findings of fact. The flood hazard areas of Kingston Springs, Tennessee, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

4.100.2. Statement of purpose. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

4.100.3. Objectives. The objectives of this section are:

1. To protect human life and health;
2. To minimize expenditure of public money 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, street and bridges located in floodplains;
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 flood blight areas;

7. To insure that potential home buyers are notified that property is in a flood area, and
8. To maintain eligibility for participation in the National Flood Insurance Program.

4.100.4. Land subject to flood. In applying the provisions of this article, land subject to flood shall be defined as follows:

1. Along the Harpeth River, Turnbull Creek, and Other Waterways Having Special Flood Hazards by the Federal Insurance Administrator (FIA)

The areas of special flood hazard identified on the **Town of Kingston Springs, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community Number 470289 - Effective Date: December 6, 1999**, and all subsequent revisions, are adopted by reference and declared to be a part of this ordinance. These areas shall be incorporated into the Kingston Springs, Tennessee, Official Zoning Map.

2. Along Other Small Streams and Watercourses

The lands lying within one hundred (100) feet, of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the Planning Commission that the property in question is free from the danger of flooding, or that adequate measures have been taken to allow the watercourse to safely accommodate floodwaters. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data as the Planning Commission may reasonably require to make its determination of the flood susceptibility of the property.

3. Along Sinkholes and Other Low Places

All lands lying below the elevation of the lowest point in the watershed boundary unless a study prepared by a registered professional engineer demonstrates that a lower elevation would be safe from the danger of inundation by the 100-year flood.

4.100.5. Application of the district. To enable the district to operate in harmony with the plan for land use and population density embodied in this ordinance, the Floodplain District (FP) is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the zoning map. Except where in conflict with the specific requirements of the Floodplain District (FP), permitted uses, accessory uses, minimum lot requirements, minimum yard requirements, maximum height, and requirements for off-street parking and loading shall be determined by the requirements of the basic district regulations contained elsewhere in this ordinance.

4.100.6. Requirement for development permit. A development permit shall be required in conformity with this article prior to the commencement of any development activity with the following exception: No development permit shall be required for any accessory structure, as defined by this article of a value less than five thousand dollars (\$5,000).

4.100.7. Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this article conflicts or overlaps with another provision of this ordinance or any other ordinance, whichever imposes the more stringent restrictions shall prevail.

4.100.8. Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the Town of Kingston Springs, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made, thereunder.

4.100.9 Floodplain alterations. All floodplain alterations that result in the reduction of floodplain storage volume are prohibited.

No alterations that are required for acceptable open space uses can be made to floodplain land and drainage channels without the written approval of the Planning Commission. All applicable requirements of these regulations and, in addition, the following specific conditions must be met before such approval may be granted:

1. The proposed excavation, filling, or change of alignment of any existing channel under the jurisdiction of the U.S. Corps of Engineers and/or the State of Tennessee shall be approved by same.
2. The plan shall be approved by the Kingston Springs Planning Commission. Any duly approved revision of the floodplain will be so noted on the official zoning map as a matter of information. This notation will be made upon certification by the Director of the Kingston Springs Department of Public Works (KSDPW) to the Planning Commission that such alteration has been completed in accordance with the approved plan.

4.110. Supplementary definitions. The following definitions are to be used for interpreting the provisions of this article only. These definitions are not intended to permit uses that may be prohibited by the base zoning district.

ACCESSORY STRUCTURE: Shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

- (1) Accessory structures shall not be used for human habitation.
- (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 which may result in damage to other structures.

- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

ACT: Means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

ADDITION (TO AN EXISTING BUILDING): Means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

AREA OF SHALLOW FLOODING: Means a designated A0 Zone, on the Flood Insurance Rate Map (FIRM), with one (1) or greater annual chance of flooding to an average depth of one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may not 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 subject to a one (1) percent or greater chance of flooding in any given year. Equivalent to the 100-year floodplain.

BASE FLOOD: Means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

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

BREAKAWAY WALL: Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING: For purposes of this section, means any structure built for sport, shelter, or enclosure for any occupancy or storage. (See STRUCTURE.)

CRITICAL AREA: A site subject to erosion or sedimentation as a result of cutting, filling, grading or other disturbance of the soil; a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure or other conditions.

CUT: Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

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 nonbasement building: (1) built to have the bottom lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers); (2) and adequately anchored so as not to impair the structural

integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

EROSION: Means the process of the gradual wearing away of landmasses. This peril is not per se covered under the program.

EXISTING CONSTRUCTION: Any structure for which the "start of construction" commenced before the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard.

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, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

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 water from a river, stream, watercourse, lake or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels and/or increased groundwater level.

FLOOD ELEVATION DETERMINATION: Means a determination by the Administration of the water surface elevations of the base flood, that is, the flood level that has a one (1) 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) and/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 the flood-related erosion areas having special hazards have been designated as Zone A, M, and/or E.

FLOOD INSURANCE RATE MAP (FIRM): Means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: Is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the 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 structure 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, 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 an abnormal tidal surge, 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.

**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 one (1) foot.

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

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

**FUNCTIONALLY DEPENDENT FACILITY:** Means a facility which cannot be used for its intended purpose, unless it is located or carried out in close proximity to water. The term includes only docking facilities, or port facility 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 or related manufacturing facilities, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**HIGHEST ADJACENT GRADE:** Means the highest natural elevation of the ground surface, prior to construction, next 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 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 preliminary determined by the Secretary of the Interior, as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**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 basement). An unfinished or flood resistant enclosure, usable 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 nonelevation design requirements of this ordinance.

**MANUFACTURED HOME:** Means a building, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**MANUFACTURED HOME PARK OR SUBDIVISION:** Means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**MAP:** Means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by 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 purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD), 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 on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

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.

RECREATIONAL VEHICLE: Means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily 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 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, or rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading 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 building. 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: (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

**STRUCTURE:** For purposes of this section, means anything constructed or erected, the use of which requires a more or less permanent location on or in the ground.

**SUBSTANTIAL DAMAGE:** Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. 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 identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS:** Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent, of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**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 ordinance is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION:** Means the height, in relation to the Nation Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### 4.120. Administration and enforcement.

##### 4.120.1. Permit and review process

##### 1. Development Permit Required

Within the floodplain districts:

- a. No person shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure without first obtaining a separate development permit for each such building or structure.
- b. No man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained for each such change.
- c. No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home.

2. Permit Procedures

a. Application Stage

Application for a Development Permit shall be made to the Zoning Administrator on forms furnished by him or her prior to any development activities, and shall include, but not be limited to, the information required by this Ordinance and The Stormwater Management Ordinance (Ordinance 93-007) and all information showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing.

b. Permit Review

Before a development permit is issued, the Zoning Administrator shall confirm that all necessary permits have been obtained 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.

4.120.2. Construction and use to be as provided in application, plans and permits. Development permits or conditional use permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and enjoined or punishable as provided by this Ordinance.

4.120.3. Base flood and floodway data. All applications for proposed projects within areas of special flood hazard shall provide base flood elevations and floodway data to establish floodplain easements. Areas of special flood hazard along with base flood elevation and floodway data for many streams in the county are available from the Flood Insurance Rate Map (FIRM), KSDPW Map revision files, and any work to develop master plans for selected watersheds. All proposed developments near streams included in these studies must be designed in accordance with the provisions of these regulations.

If a project is located in an unnumbered A Zone, the applicant shall provide base flood elevation and floodway data as documented in a Floodplain Report when the project is greater than the lesser of fifty (50) lots or five(5) acres. In addition, a Floodplain Report shall be required for areas outside unnumbered A Zones, when the stream has a drainage area of one square mile or greater. Approximate methods for flood level determination may be used if prior approval is granted.

The Floodplain Report shall consist of plan and profile data and water surface elevation calculations. The plan view shall show the floodplain water surface limits, floodplain easement lines, base line, cross section stations, and adjacent boundaries. The profile should show stream invert, cross section stations, and computed water surface elevations. The report should also show the drainage divides on the plan and the ultimate zoning categories used.

Base flood elevation and floodway data submitted by the applicant for areas previously without such data or for areas not studied by FEMA, shall be reviewed by KSDPW and if acceptable, shall be processed for adoption as part of the official floodplain management data for these regulations. When the base flood elevation and floodway data submitted by the applicant results in a deviation from the data developed by FEMA, such deviations shall become official following review and approval by both the Town and FEMA. All costs for FEMA review and engineering studies shall be borne by the applicant.

4.130. Provisions for flood hazard reduction.

4.130.1. General Standards. In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements above existing surface elevations are prohibited.
2. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
4. Onsite waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
5. Any alteration, reconstruction, or improvements to a structure that is located within the one hundred year floodplain is prohibited. Repairs to an existing structure may be allowed if all other requirements of these regulations are satisfied.
6. Roadways, parks, golf courses and other uses not requiring permanent structures designed for human occupancy may be constructed in the floodplain.

4.130.2. Standards for areas of special flood hazard with established base flood elevation and floodways designated. In all areas of special flood hazard where base flood elevation data have been provided, including A Zones, A1-30 Zones, AE, AO, AH, and A99 Zones, and where a regulatory floodway has been provided, as set forth in Subsection 4.130, (Land Subject to Flood) the following provisions are required.

1. Residential Construction

New building construction or substantial improvement of any residential structure or other building designed for human occupancy is prohibited.

2. Nonresidential Construction

New building construction or substantial improvement of any commercial, industrial or other non-residential structure is prohibited.

4.130.3. Floodways and floodplains. Areas designated as floodways or floodplains are located within areas of special flood hazard. The floodway is an extremely hazardous area because of the velocity of floodwaters, which can carry debris and potential projectiles and have erosion potential.

The following provisions shall apply to floodways:

1. Encroachments, including fill, new construction, substantial improvements, and other developments, are prohibited within the floodway unless certification (with supporting technical data) by a registered engineer is provided demonstrating that the floodway as shown is in error. The applicant shall be responsible, at no expense to the Town of Kingston Springs, for obtaining a revision to the FEMA Floodway Map reflecting the revised floodplain and floodway prior to commencement of any development on the land in question.
2. If Item 1, above, is satisfied, all new construction and substantial improvements shall comply with all applicable provisions of these regulations.

The following provisions shall apply to floodplains:

1. Encroachments, including fill, of non-structural uses such as roadways, golf courses, parks and utilities may be allowed upon approval of the Board of Zoning Appeals. Encroachments shall result in no net loss of flood storage within the floodplain. (Fill must be compensated by cut).
2. If certification (with supporting technical data) by a registered engineer is provided demonstrating that the floodplain as shown is in error, floodplain restrictions are removed. The applicant shall be responsible, at no expense to the Town of Kingston Springs, for obtaining a revision to the FEMA Floodway Map reflecting the revised floodplain prior to commencement of any development on the land in question.
3. If Item 1, above, is satisfied, all new construction and substantial improvements shall comply with all applicable provisions of these regulations.

The open space uses listed below shall be permitted within the floodway and/or floodplain to the extent that they are not prohibited in a particular area by any base zoning district and all applicable flood hazard reduction provisions of these regulations are met. Any grading associated with the uses listed below shall result in no net loss of floodwater storage volume. A permit for work in the Floodplain will be required.

1. Agricultural uses such as general farming, pasture, truck farming, forestry, sod farming, and wild crop harvesting.

2. Public and private recreational uses not requiring "permanent or temporary structures" designed for human habitation; some examples are parks, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature preserves, game and skeet ranges, and hunting, fishing, and hiking areas. Temporary structures placed on a site for less than one hundred-eighty (180) consecutive days that are not intended to be improved property.
3. Utility facilities such as flowage areas, transmission lines, pipelines, water monitoring devices, roadways, and bridges.
4. Parking Lots. Parking lots within the floodplain and subject to inundation shall have flood warning signs posted and visible from all parking areas subject to inundation.

4.130.4. Standards for streams without established base flood elevations. It is intended that all construction whether within or adjacent to delineated floodplains, shall be subject to the provisions of these regulations. Exceptions to this standard may be granted on appeal to the Board of Zoning Appeals based on a demonstration that the regulatory elevation is so conservative as to place an unreasonable burden upon developers or property owners.

For proposed developments located near small streams where no base flood data or floodways have been provided or required under the Federal Flood Insurance Program or by Section 4.120.3, of these regulations, the following provisions apply:

1. No encroachments, including fill material and structures, shall be located within a minimum distance of twenty-five (25) feet from the top of the stream bank on each side or thirty (30) feet from the centerline of a stream channel, whichever is greater. Work within the floodplain will be subject to the same provisions of this ordinance that apply to streams with established Base Flood Elevations.
2. The base flood elevation and 100-year floodplain may be determined by an appropriate approximate method. The property owner shall determine the extent of the 100-year floodplain by certification (with supporting technical data) by a registered engineer demonstrating the 100-year flood elevation and the extent of the floodplain.

4.130.5. Standards for areas of shallow flooding (AO Zones). Designated shallow flooding areas are located within the areas of special flood hazard. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Thus, the following provisions apply:

1. All new construction and substantial improvements of residential structures are prohibited.
2. All new construction and substantial improvements of nonresidential structures are prohibited.

4.130.6. Standards for small streams, watercourses and sinkholes. Located within the Town of Kingston Springs are streams and sinkholes where areas of special flood hazard are neither indicated nor base flood data or floodways provided. Within these areas the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer or licensed surveyor 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.
2. Within any identified sinkhole, the following shall apply:
  - a. All new residential buildings shall be elevated at least one (1) foot above the lowest point within the rim of the sinkhole and all nonresidential buildings shall be elevated or floodproofed to or above that elevation, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation, assuming conditions of the base flood discharge and only normal ground absorption within the sinkhole, to the rim of the sinkhole.
  - b. In no event, however, shall any residential building be located lower than or any nonresidential building be located or floodproofed to any elevation lower than one (1) foot above the elevation of the 100-year flood.

4.130.7. Standards for subdivision proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty (50) lots or five (5) acres.

4.140. Minimum residential front yard requirements on turn-arounds of cul-de-sac streets. On all lots directly fronting turn-arounds in residential zoning district the minimum required lot widths at the front building setback lines as stipulated in Article V, for each respective zoning district therein may be reduced by thirty (30) percent of said residential district requirement. This supplemental exemption is designed to foster improved siting of principal structures on such turn-arounds. **(Amended by Ordinance 02-001, February 21, 2002) - (Renumbered by Ordinance 03-004, July 17, 2003)**

4.150. Development standards as apply to multi-family dwellings. **(Renumbered by Ordinance 03-004, July 17, 2003)**

A. Purpose

The provisions set forth herein are intended to provide a limited number of basic design standards for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically these provisions are intended to supplement the plot (site) plan provisions located in Article III, Section 3.120, in an effort to establish safe, attractive, and efficient design patterns thereof.

B. Development Standards

1. No multi-family structure shall contain more than twelve (12) dwelling units per floor in a single building or structure.
2. No two adjoining multi-family structures shall be located at a uniform setback from any front, side or rear property line of the zone lot being developed, unless such zone lot contains severe natural constraints such as very steep topographic slopes, large water bodies, a very narrow, or odd-shaped configuration, etc., as determined by the planning commission. Every effort shall be made to stagger the setback of adjoining structures by no less than ten (10) feet from exterior property lines.
3. At a minimum, there shall be a dimension of no less than thirty (30) feet between any two structures, as well as between any structure or building and any exterior property line.

4.160. Development standards applying to duplex residential dwellings, as well as zero-lot line two-family dwellings. **(Renumbered by Ordinance 03-004, July 17, 2003)**

A. Purpose

The provisions set forth herein are intended to apply to all two-family detached dwellings (duplex and zero-lot line two-family dwellings) as defined by this ordinance regardless of the district in which such uses may be located. It is the express purpose of these regulations to establish design criteria and to provide for the implementing of these provisions by the board of zoning appeals in the review of applications for special exceptions, as required in Section 7.060, within Article VII, which are required for all zero-lot line, two-family dwelling developments. Moreover, these provisions provide for the implementation of these standards by the planning staff through the review of applications for building permits, or by the planning commission through the review of subdivision plats in the case of duplex dwellings. Provided, however, that in any instance where such uses are located within planned unit developments, this requirement may be fulfilled by submission of the plans required as cited in Article V, Section 5.080.

B. Design Criteria

1. All two-family detached units constructed on individual zone lots shall be designed to closely resemble in appearance the other housing units in the neighborhood. Particular attention should be paid to locating only one entrance door servicing the front of the structure.
2. Exterior building materials shall be of the same type and quality of other dwelling units in the neighborhood or on adjoining lots.
3. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, as well as the screening of objectionable views or uses, and the reduction of noise, when required by the board of appeals, planning staff, or planning commission, as applicable.
4. The appearance and character of the site shall be preserved, as appropriate, and enhanced by retaining and protecting existing trees and other site features. Additional new plant materials shall be added for privacy, beauty of buildings and grounds, and to screen objectionable features.
5. Appropriate notations verifying these standards shall be placed on the application form for a building permit when a subdivision of land is not involved in the review and approval of a duplex, or on the applicable subdivision plat whenever duplex dwellings are involved. Such notations shall be placed on the plans to be reviewed by the board of zoning appeals as special exceptions whenever zero lot-line dwellings are involved. Architectural drawings and perspective illustrations may be required to substantiate compliance with the design criteria within this section if required by the appropriate approving person, board, or commission in question.

C. Lots

The minimum lot size required for any such dwelling shall be as stipulated by the development area per dwelling unit as provided in each respective district.

D. Parking

1. These requirements shall supplement the parking provisions contained in Section 4.010, of Article IV.
2. No off-street parking areas shall be located in the front of the structure. Every effort shall be made to locate some of the required off-street parking in the rear yard, as well as in the side yard.

4.170 Special provisions for mini-warehouse facilities (self-service storage facilities).  
**(Renumbered by Ordinance 03-004, July 17, 2003)** In any zoning district where authorized, the following supplementary regulations shall apply mini-warehouse and self-service storage facilities.

- A. No self-storage facility shall be approved upon a lot less than two (2) acres in size.
- B. All storage shall be kept within an enclosed building, except propane or a gasoline engine or storage tanks or any boat or vehicle incorporating such components, which shall be stored in designated screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.
- C. A barrier shall be provided around the perimeter of the facility. Said barrier shall be located at the front setback line as well as along the sides and the rear of the project, and shall consist of either the solid facades of the storage buildings or a fence. If the barrier is to be provided by a fence, said fence shall be a minimum of six (6) feet in height and shall be constructed of opaque or semi-opaque materials that will prevent the passage of light and debris, such as brick, stone, architectural tile, masonry units, wood, or similar materials, but expressly prohibiting woven wire.
- D. No business activity other than the rental of storage units and pick-up or deposit of dead storage shall be conducted on the premises. All contracts for rental of self-storage facilities shall include clauses prohibiting the storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals, and the use of the property for any purpose other than dead storage. Examples of prohibited activities include, but are not limited to the following:
  - 1. Auctions, commercial wholesale or retail sales or miscellaneous or garage sales.
  - 2. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment
  - 3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.
  - 4. The establishment of a transfer or commercial warehouse business.
- E. One (1) parking space for every two hundred (200) square feet of storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two (2) such spaces shall be provided.
- F. Driveway aisles shall be a minimum of twenty-four (24) feet in width. A driveway aisle where access to storage units is only on one side of the aisle may be twenty (20) feet in width.
- G. The maximum size of a storage unit shall be six hundred (600) square feet, and no more than four thousand (4,000) square feet shall be leased to a single tenant.
- H. All outdoor lighting shall be shielded so as to direct light and glare only onto the premises of the self-service storage facility and away from all adjoining property. Such lighting shall be sufficient to discourage vandalism and theft
- I. All mini-warehouse facilities shall be adequately landscaped.

