

ARTICLE III
GENERAL PROVISIONS

SECTION

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3.010 SCOPE

For the purpose of the zoning resolution, the following general provisions which shall apply, except as specifically noted, to the county as a whole.

3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY LOT

Only one (1) principal building and its accessory structures may hereafter be erected on any zone lot. This provision shall not apply to planned unit developments, multi-family developments, and mobile home parks as permitted in this resolution.

**3.030 A LOT MUST ABUT A PUBLIC STREET OR PERMANENT ACCESS EASEMENT
(Amended by Resolution 6, Dated October 16, 1995)**

No building permit or certificate of compliance may be issued nor any building or structure shall be erected on any lot within the planning region unless one of the following criteria is met:

- A. The lot fronts for a distance of at least fifty (50) feet on a public street, except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet;
- B. The lot fronts for a distance of at least fifty (50) feet on a street shown on a subdivision plat approved by the regional planning commission except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet;

- C. The lot fronts for a distance of at least fifty (50) feet on a street plat approved by the regional planning commission except on a permanent dead-end street (cul- de-sac) where the minimum frontage may be thirty (30) feet;
- D. The lot fronts for a distance of at least fifty (50) feet on a permanent access easement with access to an existing public highway or street which conforms to all rules, regulations and specifications applicable to the permanent access easement requirements of the planning commission or other department, division or agency of the county.

Provided further, that a permanent access easement which serves more than one resident or farm, or is used as access to a lot or tract of land having been separated by deed or plat from other property, be at least fifty (50) feet in width, its entire length and meet the requirements for a permanent access easement as set forth in the Cheatham County Subdivision Regulations.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access by private ways when such development is in the form of condominium ownership of such private improvements or a multi-family development which have been approved by the planning commission and will be in private ownership and control in perpetuity.

If there is disagreement on the classification of a public way, the planning commission shall have the final decision as to whether a public way is a permanent access easement or private street and such decision shall be based on the uses currently served by the way and the uses proposed to be served by the way.

3.040 REDUCTION IN LOT AREA PROHIBITED

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

No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be considered as providing such space similarly required for any other structure, or unless such lot fronts on a permanent easement which conforms to the regulations below.

3.050 REAR YARD ABUTTING A PUBLIC ROAD

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

3.060 CORNER LOTS

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

3.070 FUTURE ROAD LINE

For the purpose of providing adequate space for the future widening of roads, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official Cheatham County Major Thoroughfare Plan.

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

In all districts, on a corner lot within the area formed by the center lines of intersecting roads and a line joining points on such center lines at a distance of ninety (90) feet from the intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each road at the center line thereof. This section shall not be deemed to prohibit any necessary retaining wall.

3.090 ACCESS CONTROL

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective road frontage. All points of access shall be constructed as to provide for proper drainage.
- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within twenty (20) feet of the right-of-way line of a public intersection.
- D. No curbs, or shoulders on county streets or rights-of-way shall be cut or altered without approval of the Cheatham County Road Commissioner, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

3.100 ACCESSORY USE REGULATIONS

The use of land, buildings, and other structures permitted in each of the districts established by this resolution are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Not use trailers, vans, mobile homes, buses, truck bodies or automobiles for storage.
- F. Within any Agricultural or Residential Districts, accessory structures will be permitted on lots with a minimum of fifteen (15) acres prior to the construction of a principal building on the lot. Any accessory use or building located on a lot under this section shall conform with provisions of this resolution as related to use and dimensional requirements. **(Added by Resolution 16, Dated May 21, 2001)**

3.110 LANDSCAPING AND BUFFER STRIPS

(Amended by Resolution 9, Dated January 25, 2016)

The purpose and intent of buffers is to preserve and promote the health, safety, and general welfare of the public; to facilitate the recreation of a convenient, attractive and harmonious community; to preserve the character of an area by preventing the harmful effects of prejudicial uses; and to encourage the appropriate use of land. More specifically this section is intended to make incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impact of noise, dust, and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Additionally, this section is intended to require landscaping in order to reduce the harmful effects of wind and air turbulence, heat, and noise, and the glare of motor vehicle lights, to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and improve storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; and to enhance the blighted appearance of parking lots.

The provisions of this section shall apply to all developments where site plans are filed and shall also apply to buffer strips as required.

- A. Provisions for administration shall be as follows:
 - 1. Following the adoption of this ordinance no site plan shall be approved which does not meet the landscaping and buffering requirements pertaining to it.
 - 2. No application for a zoning change shall be recommended for approval by the Planning Commission or approved by the County Commission unless such application demonstrates that the provisions of this section pertaining to buffering can be met.

3. The Board of Zoning Appeals shall not approve any request for a special exception unless the provisions of this section can be met.
4. The landscaping measures as required by this and approved on the landscaping plan submitted in accordance with these provisions shall be completed according to specifications prior to the issuance of an occupancy permit.

B. General Landscaping Requirements

1. Landscaping shall be integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, shrubs, ground cover, perennials, annuals, plant sculpture, art and the use of building and paving materials in an imaginative manner.
2. Where the strict provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, landscaping requirements may be waived.
3. Plants installed as a result of the provision of this chapter shall meet the standards for size, form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition)

Each acre of area not presently forested shall be landscaped as follows:

- (a) Minimum number of

Trees/Shrubs	Minimum Size
3 canopy trees	5 inch caliper
8 canopy trees	3 inch caliper
10 canopy trees	2 inch caliper
5 understory trees	1.5 inch caliper
25 shrubs	16 inches high

*per approval of Planning Commission or Board of Zoning Appeals, two 2 ½” caliper trees may be substituted for each 5” caliper required.

- (b) Where the application of the above standards results in a fractional requirement, than a fraction of one-tenth (.1) or greater shall be rounded off to the higher whole number.

4. Landscape plans shall depict any free-standing or building-mounted site lighting fixtures.

C. Buffer Screens

1. Buffer screening shall be subject to the following provisions:
 - (a) Buffering screening shall be provided along all zoning district boundaries separating any special exceptions from permitted uses.
 - (b) Buffer screening shall be located along the outer perimeter of a lot or

parcel being considered and shall extend to the lot or parcel boundary line. The required minimum yard may be utilized to provide buffer screening. There shall be three (3) different buffer screening requirements which will apply in the following manner. Right of ways shall not constitute a separation of uses.

BUFFER ONE

Use Adjacent/Abutting Use

C2, C5 A, E1, R1, R2, R3

BUFFER TWO

Use Adjacent/Abutting Use

C1 A, E1, R1, R2, R3
I1, I2 C1, C2, C5

BUFFER THREE

Use Adjacent/Abutting Use

I3, C3 C1, C2, C5, I1, I2
I1, I2, I3 A, E1, R1, R2, R3

2. Buffer screening shall be defined as follows:

Pursuant to this section, the following descriptions apply:

Large evergreen tree: trees that retain their foliage throughout the year achieving a mature height of 25 feet or greater

Medium evergreen tree: trees that retain their foliage throughout the year achieving a mature height of 12 feet or greater

Large deciduous tree: trees that annually lose their foliage and achieve a mature height of 30 feet or greater

Small deciduous tree: trees that annually lose their foliage and achieve a mature height of 12 feet or greater

Medium evergreen shrub: Shrubs that retain their foliage throughout the year and achieve a mature height between 6 feet and 12 feet

- (a) Buffer Screening One

One large evergreen tree with an installed height of eight (8) feet or greater for every thirty (30) linear feet, plus one (1) medium evergreen with an installed height of six (6) for every ten (10) linear feet, plus one (1) large deciduous tree with an installed height of fifteen (15) feet or greater for each thirty linear feet, plus one (1) small deciduous tree with an installed height of ten (10) feet for each fifteen (15) linear feet.

(b) Buffer Screen Two

Shall consist of an unbroken strip of open space a minimum of thirty (30) feet wide and planted with:

One (1) large evergreen tree with an installed height of eight(8) feet or greater for every twenty (20) linear feet, plus one (1) medium evergreen with an installed height of six (6) feet for every ten (10) linear feet, plus one (1) deciduous tree with an installed height of fifteen (15) feet or greater for each thirty (30) linear feet, plus one medium evergreen shrub with an installed height of two (2) feet or greater for every ten (10) linear feet, plus one (1) small deciduous tree with an installed height of ten (10) feet for every twelve (12) linear feet

(c) Buffer Screen Three

Shall consist of an unbroken strip of open space a minimum of forty (40) feet wide planted with:

One (1) large evergreen tree with an installed height of eight(8) feet or greater for every twenty (20) linear feet, plus one (1) medium evergreen with an installed height of six (6) feet for every ten (10) linear feet, plus one (1) deciduous tree with an installed height of fifteen (15) feet or greater for each thirty (30) linear feet, plus one medium evergreen shrub with an installed height of two (2) feet or greater for every ten (10) linear feet, plus one (1) small deciduous tree with an installed height of ten (10) feet for every twelve (12) linear feet.

3. Modifications and Waivers

Buffer screening may be waived or modified by the Planning Commission or Board of Zoning Appeals, whichever is appropriate, in any of the following circumstances. Conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this section may be attached.

- (a) Buffer screening may not be required between uses that are to be developed under a common development plan or a series of development plans within a PUD district or a common site plan.
- (b) Where the strict provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, or buffer(s) require more than 20 percent of the total lot area, buffer screening may be modified by reduction up to 50 percent of the buffer width and landscape materials, provided a solid wall or closed wooden fence at least six feet in height is provided along the entire length of the reduced buffer yard.
- (c) Buffer screening may be waived and/or modified where the subject property line abuts a railroad or limited access highway right of way, public street of four or more travel lanes, utilities with easement of 50-foot widths or greater or navigable river.

- (d) Existing Native Plant Material - Existing native plant material should be retained where possible by avoiding scraping, grading and sodding within the landscape buffer yard. Pre-existing native plant materials shall count toward the linear footage requirement (grouping) or individual plants (surveyed), whichever is higher.
- (e) Berms - Earthen berms with slopes no steeper than 3:1 shall reduce the required width by no more than 25 percent and/or reduce the required height of the plant materials by no more than 50 percent, provided the combined height of berms and planting will equal the required installed height as set forth in this section. Grading of berms shall not endanger or remove existing trees which occur within a buffer yard, unless the proposal clearly demonstrates an improved buffer.
- (f) Opaque fences shall reduce the minimum width by up to 50 percent and shrub plants by 75 percent if installed at 6-foot height of permanently affixed materials that comprise an integral part of the fence itself. The use of plastic, fabric, sheet or corrugated metal, and plywood shall not be allowed. The finished side shall face the lower intensity land use.
- (g) Utility and Drainage Easements - Required landscape buffer yards shall not be permitted in utility or drainage easements unless approved by the affected utility 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. Opaque fences shall not be located within utility and/or drainage easements.
- (h) The Cheatham County Planning Commission may waive or modify buffer screening requirements where it can be demonstrated that the topographical, dimensional, or other conditions between unnecessary, adjoining properties are such that required buffers would be ineffective, or otherwise impractical.

3.120 FIRE PROTECTION FOR MULTI-FAMILY DWELLINGS AND FOR COMMERCIAL AND INDUSTRIAL BUILDINGS (Added by Resolution 15, Dated March 24, 2000)

A. Multi-Family Dwellings

Any construction noted above must have an available water supply such that a fire hydrant can be placed within five hundred (500) feet of any point on the building (as the hose lays) and said fire hydrant can supply 500 gpm flow with 20 psi residual pressure.

Any construction noted above must have fire hydrants within five hundred (500) feet of any point on the building (as the hose lays).

Proof that such a water supply is available and that fire hydrants will be placed must be provided to the Building Commissioner prior to issuance of a building permit. Included within this proof must be a letter signed by a registered professional engineer clearly stating that the above requirement has been met and site plans showing the

location of applicable fire hydrants. This site plan must include flow and pressure calculations on the hydrants.

The developer is responsible for all costs and coordination with the appropriate utility district for placing the required hydrants. Fire hydrants must be in place and actual flow test information provided to the Building Commissioner prior to issuance of a Certificate of Occupancy.

B. Commercial and Industrial Building Exceeding Ten Thousand (10,000) Square Feet on One (1) Lot

This provision applies to any commercial or industrial building which is greater than ten thousand (10,000) square feet or which is on a lot where the total building square footage is greater than ten thousand (10,000) square feet after the construction of the building.

Any construction noted above must have an available water supply such that a fire hydrant can be placed within five hundred (500) feet of any point on the building (as the hose lays) and said fire hydrant can supply 500 gpm flow with 20 psi residual pressure.

Any construction noted above must have fire hydrants within five hundred (500) feet of any point on the building (as the hose lays).

Proof that such a water supply is available and that the fire hydrants will be placed must be provided to the Building Commissioner prior to issuance of a building permit. Included within this proof must be a letter signed by a registered professional engineer clearly stating that the above requirement has been met and site plans showing the location of applicable fire hydrants. This site plan must include flow and pressure calculation on the hydrants.

The developer is responsible for all costs and coordinating with the appropriate utility district for placing the required hydrants. Fire hydrants must be in place and actual flow test information provided to the Building Commissioner prior to issuance of a Certificate of Occupancy.

C. Commercial and Industrial Buildings with Less Than Ten Thousand (10,000) Square Feet on One (1) Lot

Commercial and Industrial buildings with less than ten thousand (10,000) square feet on one (1) lot must provide a plan of providing fire protection for the structure which has been approved by the appropriate fire department representative and plans demonstrating the implementation of that plan to the Building Commissioner prior to the issuance of a building permit.