

ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Establishment of Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Agricultural and Residential District Regulations
- 5.050 Commercial District Regulations
- 5.052 Self-Storage (Adopted by Resolution 9, July 16, 2007)
- 5.060 Industrial District Regulations
- 5.070 Floodplain Zoning Resolution, Statutory Authorization, Findings of Fact, Purpose and Objectives (**Adopted by Resolution 12, Dated December 21, 1992**)

5.010 ESTABLISHMENT OF DISTRICTS
(Deleted and Replaced by Resolution 12, Dated November 17, 2003)

5.011 Relationship to Public Chapter 1101

Upon approval of the Urban Growth Plan for Cheatham County, each municipality and the county government are committed to a process that is intended to direct growth and development on a countywide basis for the next twenty (20) years. This plan, as specified in the law, establishes three (3) types of growth areas:

Urban Growth Boundaries (UGB) - territory that is contiguous to and outside the corporate limits of a municipality where high density residential, commercial and industrial growth is expected, or where a municipality is better able to provide urban services than any other municipality.

Planned Growth Areas (PGA) - territory outside municipalities where high or moderate density commercial, industrial and residential growth is projected.

Rural Areas (RA) - territory not in a UGB or a PGA that is to be preserved as agricultural lands, forests, recreational areas, wildlife management areas or for uses other than high density commercial, industrial and residential development.

Over a period of several months the Cheatham County Coordinating Committee (a body comprised of members specified in Public Chapter 1101) developed the countywide Urban Growth Plan. Following necessary public hearings and other legally required processes this plan was adopted and now has the force of law.

One requirement established in Public Chapter 1101, that is particularly pertinent to the establishment and operation of zoning law within the county is the requirement established in Section 6-58-107 Tennessee Code, that reads as follows:

"After a growth plan is so approved, all land use decisions made by the legislative body and the municipality's or county's planning commission shall be consistent with the growth plan."

In order to meet this legal mandate it has been determined that the various zoning districts created by this Zoning Resolution must be tailored to the general purposes established within the three (3) types of growth areas, i.e. (UGB), (PGA) and (RA). Thus the following districts are established for the three (3) areas designated on the adopted Urban Growth Plan, as noted below.

5.012 Districts Applicable Within Rural Areas (RA)

In order to implement all purposes and provisions of this resolution, the following districts are, hereby, established for Cheatham County.

- A. Rural/Agricultural and Residential Districts
 - A Agricultural District**
 - E-1 Estates Residential District**
 - R-1 Low Density Residential District**

- B. Rural Commercial Districts
 - C-3 Rural Convenience Commercial District**

- C. Rural Industrial Districts
 - I-1 General Industrial District**
 - I-3 Special Impact Industrial District**

- D. Floodplain Districts

5.013 Districts Applicable Within Planned Growth Areas (PGA) and Urban Growth Boundaries (UGB)

In order to implement all purposes and provisions of this resolution, the following districts are, hereby, established for portions of the county designated as Planned Growth Areas (PGA) and Urban Growth Boundaries (UGB) on the Growth Plan for Cheatham County.

- A. Residential Districts Applicable Within PGA and UGB
 - A Agricultural District**
 - E-1 Estates Residential District**
 - R-1 Low Density Residential District**
 - R-2 Medium Density Residential District**
 - R-3 High Density Residential District**

- B. Commercial Districts Applicable Within PGA and UGB
 - C-1 General Commercial District**
 - C-2 Neighborhood Commercial District**

- C. Industrial Districts Applicable Within PGA and UGB
 - I-1 General Industrial District**
 - I-2 Heavy Industrial District**
 - I-3 Special Industrial District**

D. Floodplain Districts

5.020 ZONING MAP

The location and boundaries of the zoning districts established by this resolution are bounded and defined as shown on the map entitled, "Zoning Atlas of Cheatham County, Tennessee". The zoning map and any amendment thereto shall be dated with the effective date of the resolution that adopts same. Certified prints of the adopted zoning map and zoning map amendments shall be maintained in the Cheatham County Building Department and shall be available for inspection by the public at all reasonable times, as long as this resolution remains in effect.

5.030 ZONING DISTRICT BOUNDARIES

Unless, otherwise, indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, or the Cheatham County boundary lines as they exist at the time of the enactment of the zoning resolution. Questions concerning the exact locations of district boundaries shall be determined by the Cheatham County Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this resolution takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty (20) feet within the more restricted district.

5.040 AGRICULTURAL AND RESIDENTIAL DISTRICT REGULATIONS

The following regulations shall apply in the agricultural and residential zoning districts established in Article V, Section 5.010, of this resolution.

5.041 A, Agriculture District

A. Because agricultural and forestry activities comprise an important segment of the economy of Cheatham County, this district was designed to provide suitable areas for the growing of crops, animal husbandry, dairying, forestry, and other similar activities which usually occur in and characterize rural rather than urban areas. This district is designed, furthermore, to provide for low density residential development generally on large tracts of land whereon public sanitary sewer service and, in many cases, public water supply are least practical. This district may also include community facilities, public utilities, and open uses which serve specifically the residents of this district or which are benefitted by an open residential environment without creating objectionable or undesirable influences upon residential developments or influences incompatible with a rural environment.

In the A, Agriculture District, the following uses are permitted:

1. Agricultural Services

Include various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity thereto.

**Crop Drying, Storage, and Processing Crop
Planting, Cultivation, and Processing Crop
Horticultural Services
Livery Stables**

Riding Stables
Soil Preparation Services

2. Crop and Animal Raising

Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

Dairies
Farms
Raising of Plants, Animals, and Fish
Truck Gardens

3. Plant and Forest Nurseries

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

Forestry Nursery
Plant Nursery

4. Residential Activities

Detached single-family dwellings and individual mobile homes.

5. Essential Services

Includes the maintenance and operations of the following installations:

Electrical and Gas Substations
Electric, Gas, Water, and Sewer Distribution and Collection Lines
Pumping Facilities for Water and Sewer Systems
Rights-of –Way for Transportation Modes Telephone Switching Facilities

C. Accessory Uses and Structures

1. Private residential garages and parking areas.
2. Private barns, stables, sheds, and other farm buildings.
3. Outdoor recreational facilities exclusively for the use of the residents.
4. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
5. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
6. Other accessory structures and uses customarily incidental to the permitted uses.

7. An Accessory Dwelling

D. Uses Permitted as Special Exceptions

The following uses may be permitted as special exceptions in the A, Agricultural District, after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070.

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices
Civil Defense Facilities
Court Buildings
Fire Department Facilities
Police Department Facilities
Post Offices

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations
Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers
Temporary Nonprofit Festivals

3. Community Education

The activities typically performed by the following institutions:

Kindergarten, Primary and Secondary Schools
Public and Private Nursery Schools

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art Galleries
Libraries Museums
Parks, Playgrounds, and Playfields
Planetariums and Aquariums Recreational Centers and Gymnasiums
Swimming Pools and Beaches
Zoological and Botanical Gardens

5. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, and Universities but Excluding Profit Making
Business Schools
Commercial Boat Docks
Country Clubs
Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage Treatment Plants

6. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Day Care Centers
Group Home for Physically or Mentally Handicapped
Persons, which houses not more than ten (10) people including supervisors

7. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples

8. Animal Care and Veterinarian Services

Include the provision of animal care, treatment, and boarding services.

Veterinarian Clinics and Kennels

9. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

10. Commercial Campgrounds and Recreational Vehicle Parks (Added by

Resolution 4, Dated October 17, 2005)

Includes facilities for temporary recreational camping or recreational vehicle parking and related outdoor activities, which are owned or operated by a for-profit entity. Limited to facilities that have less than one hundred fifty (150) camp or recreational vehicle parking sites. The owner or operator of the campground or recreational vehicle park shall not maintain or allow to be maintained on any site within the facility, campers, tents, recreational vehicles, trailers, cabins or other lodgings which are available for rental to or for use by guests of the facility. No person shall be permitted to be a guest of the facility for more than forty-five (45) days in any calendar year. The facility may contain one permanent residential structure for occupancy by the operator or staff member (and family) of the facility.

E. Uses Prohibited

In the A, Agricultural District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the A, Agricultural District, shall comply with the following requirements.

1. **Minimum Lot Size (Amended by Resolution 18 Dated, January 17, 2000)**

Minimum area per single family dwelling and individual mobile home:

with public water supply	4 acres
without public water supply	5 acres

Lot Width at Building Setback Line:

For 4 acre lot	125 ft.
For 5 acre lot	150 ft.

2. **Minimum Yard Requirements**

Front Yard Setback	50 ft.
Side	20 ft.
Rear	35 ft.

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed twenty (20) percent of the total area.

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Section 7.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscape

The front yard, excluding necessary driveways, shall be landscaped.

5.042 E-1, Estates Residential District

A. District Description

This district is designed to provide suitable open space for very low density residential development. It shall consist primarily of single family detached dwellings and their accessory uses. This residential district shall be located in those areas of the county that shall retain an optimum of open spaces to maintain a rural setting yet afford residential developments a minimum of urban character. This district is a transition zone between the agricultural district and the more urban zone R-1.

B. Uses Permitted

1. Agricultural Services

Include various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity thereto.

**Crop Drying, Storage, and Processing Crop
Planting, Cultivation, and Processing Crop
Horticultural Services
Livery Stables
Riding Stables
Soil Preparation Services**

2. Crop and Animal Raising

Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

**Dairies
Farms
Raising of Plants, Animals, and Fish
Truck Gardens**

3. Plant and Forest Nurseries

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

**Forestry Nursery
Plant Nursery**

4. Residential Activities

Detached single family dwellings, excluding mobile homes.

5. Essential Services

Includes the maintenance and operations of the following installations:

Electrical and Gas Substations
Electric, Gas, Water, and Sewer Distribution and Collection Lines
Pumping Facilities for Water and Sewer Systems
Rights-of –Way for Transportation Modes Telephone Switching Facilities

C. Accessory Uses and Structures

1. Private residential garages and parking areas.
2. Private barns, stables, sheds, and other farm buildings.
3. Outdoor recreational facilities exclusively for the use of the residents.
4. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
5. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
6. Other accessory structures and uses customarily incidental to the permitted uses.
7. An Accessory Dwelling

D. Uses Permitted as Special Exceptions

The following uses may be permitted as special exceptions in the E-1, Estates District, after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070.

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices
Civil Defense Facilities
Fire Department Facilities
Police Department Facilities
Post Offices

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations
Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers

Temporary Nonprofit Festivals

3. Community Education

The activities typically performed by the following institutions:

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

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

**Art Galleries
Libraries
Museums
Parks, Playgrounds, and Playfields
Planetariums and Aquariums
Recreational Centers and Gymnasiums
Swimming Pools and Beaches
Zoological and Botanical Gardens**

5. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

**Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, and Universities but Excluding Profit Making
Business Schools
Commercial Boat Docks
Country Clubs
Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage Treatment Plants**

6. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

**Day Care Centers
Group Home for Physically or Mentally Handicapped
Persons, which houses not more than ten (10) people including supervisors**

7. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

- Chapels**
- Churches**
- Convents or Monasteries**
- Sanctuaries**
- Synagogues**
- Temples**

8. Animal Care and Veterinarian Services

Include the provision of animal care, treatment, and boarding services.

Veterinarian Clinics and Kennels

E. Uses Prohibited

In the E-1, Estates District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the E-1, Estates District, shall comply with the following requirements.

1. **Minimum Lot Size (Amended by Resolution 18 Dated, January 17, 2000)**

Minimum area per single family dwelling and individual mobile home:

with public water supply	3 acres
without public water supply	5 acres

Lot Width at Building Setback Line:

For 3 acre lot	125 ft.
For 5 acre lot	150 ft.

2. **Minimum Yard Requirements**

Front Yard Setback	50 ft.
Side	20 ft.
Rear	35 ft.

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed twenty (20) percent of the total area.

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Section 7.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscape

The front yard, excluding necessary driveways, shall be landscaped.

5.043 R-1, Low Density Residential District

A. District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally, the residential development will consist of single-family detached dwellings and accessory structures, but the district may also include community facilities, public utilities and open uses which serve specifically the residents of this district or which are benefited by an open residential environment without creating objectionable or undesirable influences upon such development. It is the express purpose of this resolution to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations shall be considered as not having such characteristics if they otherwise conform to the provisions of this resolution.

B. Uses Permitted

In the R-1, Low Density Residential District, the following uses are permitted.

1. Residential Activities

Detached single-family dwellings, excluding mobile homes.

2. Essential Services

Includes the maintenance and operations of the following installations:

**Electrical and Gas Substations
Electric, Gas, Water, and Sewer Distribution and Collection Lines
Pumping Facilities for Water and Sewer Systems
Rights-of-Way for Transportation Modes
Telephone Switching Facilities**

C. Accessory Uses and Structures

1. Private residential garages and parking areas.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.
6. An Accessory Dwelling.

D. Uses Permitted as Special Exceptions

In the R-1, Low Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070.

1. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations
Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers
Temporary Nonprofit Festivals

2. Community Education

The activities typically performed by the following institutions:

Kindergarten, Primary and Secondary Schools
Public and Private Nursery Schools

3. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art Galleries
Libraries
Museums
Parks, Playgrounds, and Playfields
Planetariums and Aquariums
Recreational Centers and Gymnasiums
Swimming Pools and Beaches
Zoological and Botanical Gardens

4. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, and Universities but Excluding Profit Making
Business Schools
Commercial Boat Docks
Country Clubs

Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage Treatment Plants

5. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Day Care Centers
Group Home for Physically or Mentally Handicapped
Persons, which houses not more than ten (10) people including supervisors

6. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples

E. Uses Prohibited

In the R-1, Estates District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the E-1, Estates District, shall comply with the following requirements.

1. Minimum Lot Size (Amended by Resolution 18 Dated, January 17, 2000)

Minimum area per single family dwelling and individual mobile home:

with public water supply **1 acres**

without public water supply **5 acres**

Lot Width at Building Setback Line: **125 ft.**

2. Minimum Yard Requirements

Front Yard Setback	50 ft.
Side	20 ft.
Rear	20 ft.

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed twenty (20) percent of the total area.

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Section 7.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscape

The front yard, excluding necessary driveways, shall be landscaped.

5.044 R-2, Medium Density Residential District

A. District Description

This district is designed to provide suitable areas for low to medium density residential development. Most generally, this district will be characterized by single-family detached structures and duplexes and such other structures as are accessory thereto. This district also includes community facilities, public utilities and open uses which serve specifically the residents of this district or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning resolution to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this resolution.

B. Uses Permitted

In the R-2, Medium Density Residential District, the following uses are permitted:

1. Residential Activities

Detached single-family and duplex dwellings, excluding mobile homes.

2. Essential Services

Includes the maintenance and operations of the following installations:

Electrical and Gas Substations
Electric, Gas, Water, and Sewer Distribution and Collection Lines
Pumping Facilities for Water and Sewer Systems
Rights-of-Way for Transportation Modes
Telephone Switching Facilities

C. Accessory Uses and Structures

1. Private residential garages.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.
6. An Accessory Dwelling.

D. Uses Permitted as Special Exceptions

In the R-2, Medium Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070.

1. Administrative

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices
Civil Defense Facilities
Court Buildings
Fire Department Facilities
Police Department Facilities
Post Offices

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations
Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers
Temporary Nonprofit Festivals

3. Community Education

The activities typically performed by the following institutions:

Kindergarten, Primary and Secondary Schools
Public and Private Nursery Schools

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art Galleries
Libraries
Museums
Parks, Playgrounds, and Playfields
Planetariums and Aquariums
Recreational Centers and Gymnasiums
Swimming Pools and Beaches
Zoological and Botanical Gardens

5. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, and Universities but Excluding Profit Making
Business Schools
Commercial Boat Docks
Country Clubs
Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage Treatment Plants

6. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Day Care Centers
Group Home for Physically or Mentally Handicapped Persons, which houses not more than ten (10) people including supervisors

7. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples

E. Uses Prohibited

In the R-2 Medium Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the E-1, Estates District, shall comply with the following requirements.

1. Minimum Lot Size

Minimum Area for Single Family Dwellings

with public water and sewer	20,000 sq. ft.
with public water	30,000 sq. ft.
without public water	5 acres

Minimum Area for Duplexes

with public water and sewer	30,000 sq. ft.
with public water	40,000 sq. ft.
without public water	5 acres

Lot Width at Building Setbacks

with public water	75 ft.
without public water	100 ft.

2. Minimum Yard Requirements

Front Yard Setback	35 ft.
Side	15 ft.
Rear	20 ft.

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed twenty (20) percent of the total area.

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Section 7.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscape

The front yard, excluding necessary driveways, shall be landscaped.

5.045 R-3, High Density Residential District

A. District Description

This district is designed to provide areas which are highly compatible with the residential development found along the fringes of the incorporated areas of Cheatham County. This district is particularly suitable for areas adjacent to urban centers where a full compliment of urban services, specifically including water services adequate to provide fire protection and public waste water service is available. Although this district will be most generally characterized by single family detached dwellings and such other structures as accessory thereto, the district is designed to accommodate a wide variety of housing types along with the public services and facilities required to adequately support such development. It is the express purpose of this resolution to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this resolution.

B. Uses Permitted

In the R-3, High Density Residential District, the following uses are permitted:

1. Residential Activities

Detached single-family and duplex dwellings, excluding individual mobile homes on individual lots.

2. Multi-family dwellings, subject to site plan review as regulated in Article VIII, Section 8.030, and Article IV, Section 4.070

3. Mobile home parks subject to Article IV, Section 4.090, of the resolution

4. Essential Services

Includes the maintenance and operations of the following installations:

Electrical and Gas Substations

Electric, Gas, Water, and Sewer Distribution and Collection Lines

Pumping Facilities for Water and Sewer Systems

Rights-of-Way for Transportation Modes

Telephone Switching Facilities

C. Accessory Uses and Structures

1. Private residential garages.

2. Outdoor recreational facilities exclusively for the use of the residents.

3. Signs in compliance with the regulations set forth in Article IV, Section 4.080.

4. Home occupations as defined by and subject to the provisions of Article IV, Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.
6. An Accessory Dwelling

D. Uses Permitted as Special Exceptions

In the R-3, Medium Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070.

1. Administrative

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices
Civil Defense Facilities
Court Buildings
Fire Department Facilities
Police Department Facilities
Post Offices

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations
Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers
Temporary Nonprofit Festivals

5. Community Education

The activities typically performed by the following institutions:

Kindergarten, Primary and Secondary Schools
Public and Private Nursery Schools

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art Galleries

Libraries
Museums
Parks, Playgrounds, and Playfields
Planetariums and Aquariums
Recreational Centers and Gymnasiums
Swimming Pools and Beaches
Zoological and Botanical Gardens

5. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, and Universities but Excluding Profit Making
Business Schools
Commercial Boat Docks
Country Clubs
Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage Treatment Plants

6. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Associations for Physically or Mentally Handicapped Persons
Day Care Centers
Group Home for Physically or Mentally Handicapped Persons
Nursing Homes
Orphanages
Retirement or Rest Homes

7. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscape

For a single family and duplex structures on a lot the front yard, excluding necessary driveways, shall be landscaped.

For multi-family uses see Article III, Section 3.110

5.050 COMMERCIAL DISTRICT REGULATIONS

The following regulations shall apply in the commercial districts established in Article V, Section 5.010, of this resolution.

5.051 C-1, General Commercial District

A. District Description

This district is established to provide areas in which the principal uses of land are devoted to general and highway commercial activities along the principal thoroughfares in Cheatham County. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Cheatham County and to provide for necessary off-street parking and loading. All lots shall be considered fronting on either arterial or collector roads as indicated on the latest official major thoroughfare plan.

B. Uses Permitted in the C-1 General Commercial District

Commercial District, the following uses are permitted:

1. Administrative services, including city, county, state and Federal offices, fire and police departments, court buildings and post offices.
2. Community assembly, including civic, social, fraternal and philanthropic institutions, private clubs and lodges and temporary nonprofit festivals.
3. Cultural and recreational services, including libraries, museums, parks and playgrounds, gymnasiums and swimming pools.
4. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
5. Health care facilities, including rehabilitation center, convalescent homes, hospitals and medical clinics.
6. Boarding and rooming houses.
7. Animal care and veterinarian clinics.
8. Automotive parking lots and garages.
9. Automotive services and repairs, including the sale of gas, oil, tires and other goods and services required in the operation of automobiles.
10. Sale of building materials, farm equipment and supplies and lawn and garden supplies.
11. Consumer repair services, including appliances, furniture and other types of personal equipment.
12. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores, and other similar uses.

13. Entertainment and amusement centers, including auditoriums, theaters, bowling alleys, billiard parlor, miniature golf, and batting cages.
14. Financial, consulting and administrative services.
15. Restaurants and taverns.
16. Drive-in restaurants and fast food restaurants.
17. General business, communication services, and business schools.
18. Personal service establishments.
19. Retail sale of general merchandise items.
20. Medical and professional offices.
21. Hotels and motels.
22. Sale or rental of automobiles, boats, motorcycles and motorized vehicles.
23. Wholesale sales of consumer goods.
24. Funeral and cemetery services.
25. Limited Manufacturing Activities

Including the following operations:

- a. The manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

Apparel and Apparel Accessories

Art Objects

Bakery Goods

Beverages (nonalcoholic)

Dairy Products

**Instruments for Medical, Dental, Engineering,
Scientific, and Other Professional Purposes Optical
Instruments and Lens**

Printed Matter

Signs

- b. Activities and operations which include the following:

Book Binding

Data Processing Service

Photocopying Photoengraving

Precision Machining of Dies, Jigs, and Fixtures

Printing

Publishing

Record Pressing

Upholstering

Welding

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory off-street parking and loading facilities as required in Article IV, Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions (Amended by Resolution 9, Dated December 21, 1992)

In the C-1, General Commercial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.070.

1. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, and Universities but Excluding Profit Making
Business Schools
Commercial Boat Docks, Marinas, and Yacht Clubs
Country Clubs
Day Care Centers
Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage Treatment Plants

2. Group Assembly

Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as community facilities, to large groups of assembled spectators and/or participants of five hundred (500) or more or that have a substantial potential impact upon adjoining property.

Amusement Parks
Commercial Camp
Grounds
Commercial
Resorts
Commercial Sports Arenas and Playing Fields
Drag Strips

Race Tracks (Auto, Motorcycle, Dog, and Horse)

E. Uses Prohibited

In the C-1, General Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements (Amended by Resolution 9, Dated December 21, 1992)

All uses permitted in the C-1, General Commercial District, shall comply with the following requirements.

1. Minimum Lot Size

with Public Water 20,000 SQ. FT.
without Public Water5 Acres
Lot Width at Building Setback100 ft.

2. Minimum Yard Requirements

Front Yard Setback 50 ft.

Side 10 ft.

except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be **forty (40) feet.**

Rear 20ft.

except where the rear yard abut or is adjacent to a residential district in which case the minimum setback for that yard shall be **forty (40) feet.**

On any lot or tract containing one or more structures, the area occupied by all structures including accessory structures, shall not exceed forty (40) percent of the total area of the lot.

3. Height Requirements

No principal structure shall exceed thirty-five (35) feet or three (3) stories in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 7.030.

4. Parking Space Requirements

As regulated in Article IV, Section 4.010.

5. Accessory Structures

Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscaping

See Article III, Section 3.110.

5.052 C-2, Neighborhood Commercial District

A. District Description

These districts were designed to provide adequate space in appropriate locations for limited commercial uses which serve the needs of the residents of the area.

B. Uses Permitted

In the C-2, Neighborhood Commercial District, the following uses are permitted:

1. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
2. Automotive services and repairs, including the sale of gas, oil, tires and other goods and services required in the operation of automobiles.
3. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores and other similar uses.
4. Self-Storage/Mini-Warehouse units/buildings, as defined in Article II Section 2.020 of this Zoning Resolution, shall be permitted when in accordance with the following standards as determined by the Cheatham County Planning Commission:
(Added by Resolution 9, Dated July 16, 2007)

- A. Access shall be from a collector or arterial street as defined by the Cheatham County Planning Commission.
- B. There shall be only one means of egress-ingress to the storage facility location.
- C. The minimum aisle width between buildings shall be twenty-five (25) feet.
- D. The use of the facility shall be subject to review by the Building Official or other appropriate personnel regarding security and fire protection.
- E. Storage of explosive, radioactive, toxic, highly-flammable, ammunition or other hazardous materials shall be prohibited.
- F. No business activity other than leasing of storage units shall be conducted on the premises.
- G. The storage facilities' complex shall be surrounded by a solid fence at least eight (8) feet in height and/or a landscape buffer of sufficient width and height to screen the facility from residential view.
- H. Self-Storage buildings and associated improvements shall not be located within a Floodplain or Floodway as defined in Article V Sections 5.070 through 5.076 of this Zoning Resolution.
- I. Approval of a site plan, landscape plan, and construction plan by the Cheatham County Planning Commission.
- J. Hours of operation shall be limited to 7:00 am to 9:00 pm Monday – Friday and 8:00 am to 7:00 pm on Saturday and Sunday.
- K. Exterior lights shall not be positioned to reflect on or into adjacent residential properties or the roadway.
- L. There shall be no more than three self-storage buildings resulting in no more than 50% lot coverage at each at any given location.
- M. Self-Storage buildings and associated improvements shall meet all other Cheatham County Zoning and Code requirements.

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory off-street parking and loading facilities as required in Article IV, Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions (Amended by Resolution 10, Dated December 21, 1992)

In the C-2, Neighborhood Commercial District the following uses may be permitted as special exception after review and approval by the Board Of Zoning Appeals in accordance with Article VIII, Section 8.070.

Day Care Center

E. Uses Prohibited

In the C-2, Neighborhood Commercial District, any use not permitted by right, by accessory use, or as a special exception, as defined above is strictly prohibited.

F. Dimensional Requirements (Amended by Resolution 9, Dated December 21, 1992)

All uses permitted in the C-2, Neighborhood Commercial District, shall comply with the following requirements.

3. Minimum Lot Size

with Public Water 20,000 SQ. FT.

without Public Water5 Acres

Lot Width at Building Setback100 ft.

4. Minimum Yard Requirements

Front Yard Setback 50 ft.

Side 20 ft.

except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be **forty (40) feet.**

Rear 20ft.

except where the rear yard abut or is adjacent to a residential district in which case the minimum setback for that yard shall be **forty (40) feet.**

On any lot or tract containing one or more structures, the area occupied by all structures including accessory structures, shall not exceed forty (25) percent of the total area of the lot.

3. Height Requirements

No principal structure shall exceed thirty-five (35) feet or three (3) stories in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 7.030.

4. Parking Space Requirements

As regulated in Article IV, Section 4.010.

5. Accessory Structures

Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscaping

See Article III, Section 3.110.

5.053 C-3, Rural Convenience Commercial District (Added by Resolution 12, Dated November 17, 2003)

A. District Description

This district is designed to provide for uses to provide shopping and service needs for surrounding rural and suburban households. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small and distributed widely for convenient accessibility by local residents. The bulk regulations are established to regulate commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive area.

B. Uses Permitted

In the C-3, Rural Convenience Commercial District, the following uses and their accessory uses are permitted:

1. Administrative services, including city, county, state and Federal offices, fire and police departments, court buildings and post offices.
2. Community assembly, including civic, social, fraternal and philanthropic institutions, private clubs and lodges and temporary nonprofit festivals.
3. Cultural and recreational services, including libraries, museums, parks and playgrounds, gymnasiums and swimming pools.
4. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
5. Boarding and rooming houses.
6. Automotive services and repairs, including the sale of gas, oil, tires and other goods and services required in the operation of automobiles.
7. Sale of building materials, farm equipment and supplies and lawn and garden supplies.
8. Consumer repair services, including appliances, furniture and other types of personal equipment.
9. Convenience commercial, including barber and beauty shops, drug and grocery stores, hardware stores, and other similar uses.
10. Drive-in restaurants and fast food restaurants.
11. Retail sale of general merchandise items.
12. Sale or rental of automobiles, boats, motorcycles and motorized vehicles.

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

D. Uses Permitted as Special Exception

1. Health care facilities, including rehabilitation center, convalescent homes and medical clinics.
2. Animal care and veterinarian clinics.
3. Restaurants and taverns.

4. Limited Manufacturing Activities

Including the following operations:

- a. The Manufacturing, Compounding, Processing, Assembling, Packaging, Treatment, or Fabrication of the Following Products:

Apparel and Apparel Accessories
Art Objects
Bakery Goods
Beverages (nonalcoholic) Dairy
Products
Instruments for Medical, Dental, Engineering,
Scientific, and Other Professional Purposes
Optical Instruments and Lens
Printed Matter
Signs

- b. Activities and Operations Which Include the Following:

Book Binding
Data Processing Service
Photocopying Photoengraving
Precision Machining of Dies, Jigs, and Fixtures
Printing
Publishing
Record Pressing
Upholstering
Welding

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or

accessory uses are prohibited within the C-3, Rural Convenience Commercial District.

F. Dimensional Requirements

5. Minimum Lot Size

with Public Water 40,000 SQ. FT.

without Public Water5 Acres

Lot Width at Building Setback

with Public Water 150 ft.

without Public Water 250 ft.

6. Minimum Yard Requirements

Front Yard Setback 50 ft.

Side 20 ft.

except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be **forty (50) feet.**

Rear 30ft.

except where the rear yard abut or is adjacent to a residential district in which case the minimum setback for that yard shall be **forty (50) feet.**

7. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures including accessory structures, shall not exceed forty (40) percent of the total area of the lot.

4. Height Requirements

No principal structure shall exceed thirty-five (35) feet or three (3) stories in height, except as provided in Section 7.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

Accessory structures shall be located at least five (10) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscaping

Each site developed in this district shall include at least ten (10) percent of the area devoted to a landscaped green treatment, that meets the requirements

established in Article III, Section 3.110. Rocks will not be permitted in this area.
No merchandise or other material shall be placed on or above this area.

5.060 INDUSTRIAL DISTRICT REGULATIONS

The following regulations shall apply in the Industrial Districts established in Article V, Section 5.010, of this resolution.

5.061 I-1, General Industrial District

A. District Description

This district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, and commercial establishments and community facilities which provide needed services for industry and are complimentary thereto are permitted.

B. Uses Permitted

General Industrial District, the following uses are permitted:

1. Essential services for utility substations, distribution and collection lines, pumping facilities, and public rights-of-way.
2. Animal care and veterinarian clinics.
3. Sale of building materials, farm equipment and supplies and lawn and garden supplies.
4. Construction sales and services, including building supply houses.
5. Restaurants and taverns.
6. Drive-in restaurants and fast food restaurants.
7. Transport and warehousing, storage, freight handling, shipping, and trucking services.
8. Wholesale sales of consumer goods.
9. Limited Manufacturing Activities

Including the following operations:

- a. The manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

Apparel and Apparel Accessories
Art Objects
Bakery Goods
Beverages (nonalcoholic)
Dairy Products
Instruments for Medical, Dental, Engineering,

**Scientific, and Other Professional Purposes Optical
Instruments and Lens
Printed Matter
Signs**

- b. Activities and operations which include the following:

**Book Binding
Data Processing Service
Photocopying Photoengraving
Precision Machining of Dies, Jigs, and Fixtures
Printing
Publishing
Record Pressing
Upholstering
Welding**

10. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

**Commercial Boat Docks, Marinas, and Yacht Clubs
Country Clubs
Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage Treatment Plants**

11. Self -Storage or Mini-warehouse

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in Section 4.010.

D. Uses Permitted as Special Exceptions (Deleted and Replaced by
Resolution 10, Dated February 19, 2001)

Commercial Activities

Adult Entertainment

E. Uses Prohibited

In the I-1, General Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the I-1, General Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area	1 acre
Lot Width at Building Setback	125 ft.

2. Minimum Yard Requirements

Front Yard Setback	50
ft. Side Yard Setback	20
ft.	

except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be forty (40) feet.

Rear	20
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ft. except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be forty (40) feet.

No yard shall be required for that portion of the tract that fronts on or abuts a railroad right-of-way.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Article VII, Section 7.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

- 7. Landscaping
See Article III, Section
3.110.

5.062 I-2, Heavy Industrial District

A. District Description

This district is designed to accommodate industrial uses which involve more objectionable influence and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of Cheatham County.

B. Uses Permitted

In the I-2, Heavy Industrial District, the following uses are permitted:

1. All uses permitted in the I-1, General Industrial District
2. Junk, Automobile Wrecking and Scrap Operations as regulated in Article IV, Section 4.100.
3. Mining and Quarrying Activities
4. Intermediate Manufacturing Activities including, but not limited to the following:

Art Materials, Pens, and Pencils

Cotton Ginning

Fabricated Metals

Food and Kindred Products

Foundries

Furniture and Fixtures

Grain Milling

Lumber and Wood Products

Mineral Processing

Organic Fertilizers

Primary Metals

Stone, Clay, and Glass products

Textile Mills

Tobacco

Toys, Amusements, Sporting and Athletic Goods

5. Extensive Impact Manufacturing and Industry including, but not limited to the following:

Asphaltic Cement Plants Cement and/or Concrete Plants

Chemical and Allied Products Manufacturing

Cotton Seed Oil

Offal Processing

Ore Reduction

Paper and Allied Products

Petroleum Refining and related industries

Pulp Manufacturing

Rolling and Finishing of Ferrous Materials

Rubber and miscellaneous plastic products

Slaughtering of Animals

Smelting and refining of Metal and Alloy

6. Extensive Impact Community Facilities

The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

**Airports, Air Cargo Terminals ,Heliports, or Other
Aeronautical Devices
Correction and Detention Institutions
Electricity Generating Facilities and Transmission Lines
Major Fuel Transmission Lines and Facilities
Major Mail Processing Centers
Military Installations
Public and Private Utility Corporations and
Truck Yards, Including Storage Yards
Railroad Yards and Other Transportation Equipment
Marshaling and Storage Yards**

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in Article IV, Section 4.010.

D. Uses Permitted as Special Exceptions

In the I-2, Heavy Industrial District, the following uses are permitted as special exceptions as regulated in Article VIII, Section 8.070.

1. Fat Rendering
2. Abrasive, Asbestos, and Nonmetallic Manufacturing
3. Commercial Activities: **(Added by Resolution 10, Dated February 19, 2001;
Renumbered 3 to 4)**
Adult Entertainment
4. Any other use which in the opinion of the Cheatham County Board of Zoning Appeals is similar in character and function to those uses permitted or uses permitted as special exceptions in the I-2, Heavy Industrial District.

E. Uses Prohibited

In the I-2, Heavy Industrial District, any use not permitted by right, by accessory use,

or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the I-2, Heavy Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area	1 acre
Lot Width at Building Setback	150 ft.

2. Minimum Yard Requirements

Front Yard Setback	50
ft. Side Yard Setback	20
ft.	

except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be forty (40) feet.

Rear	20
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ft. except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be forty (40) feet.

No yard shall be required for that portion of the tract that fronts on or abuts a railroad right-of-way.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Article VII, Section 7.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscaping

See Article III, Section 3.110.

5.063 I-3, Special Industrial District

A. District Description

The I-3, Special Industrial District, is intended to provide suitable areas for intense or potentially noxious industrial operations. Secondly, it is intended to protect these industrial lands from encroachment by other uses and to protect other uses from encroachment by these industrial uses.

B. Uses Permitted

In the I-3, Special Industrial District the following uses are permitted:

1. All uses permitted in the I-1, General Industrial District.
2. All uses permitted or permitted as special exceptions in the I-2, Heavy Industrial District.

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IV, Section 4.080.
2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in Article IV, Section 4.010.

D. Uses Permitted as Special Exceptions

1. Arsenals
2. Atomic Reactors
3. Explosives Manufacturing and Storage
4. Fireworks Manufacturing
5. Hazardous Wastes
6. Radioactive Wastes
7. Solid Waste Landfills
8. Waste Incinerators, including Hospital and Medical Waste
9. Any other use which in the opinion of the Cheatham County Board of Zoning Appeals is similar in character and function to those uses

permitted

or used permitted as special exceptions in the I-3, Special Industrial District.

E. Uses Prohibited

In the I-3, Special Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the I-3, Special Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area	1 acre
Lot Width at Building Setback	150 ft.

2. Minimum Yard Requirements

Front Yard Setback	75
ft. Side Yard Setback	25
ft. Rear	
30ft.	

3. Minimum Lot Coverage

On any lot or tract the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Article VII, Section 7.030.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Accessory Structures

- a. With the exception of signs, accessory structures shall not be erected in the front yard.
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line and from any building on the same lot.

7. Landscaping

See Article III, Section 3.110.

5.070 FLOODPLAIN DISTRICT ZONING RESOLUTION, STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES (Adopted Sections 5.070 – 5.076 by Resolution 12, December 21, 1992)

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated, delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, the Board of County Commissioners of Cheatham County, Tennessee, does resolve as follows:

B. Findings of Fact

1. The Cheatham County Board of County Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d), of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
2. Areas of Cheatham County are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate 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 flood waters or which may increase flood hazards.

D. Objectives

The objectives of this resolution are:

1. To protect human life and health;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding;
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 floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
7. To ensure that potential buyers are notified that property is in a floodable area; and,
8. To establish eligibility for participation in the National Flood Insurance Program.

5.071 Definitions

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

"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 flood proofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-41 28.

"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 firewall or

is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Director of the Building Commissioner's interpretation of any provision of this Resolution or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one (1) percent chance of being equalled 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 supporting foundation system.

"Building", for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "Structure")

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

"Elevated Building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers); (ii) 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, AO, 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.

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

"Erosion" means the process of the gradual wearing away of land masses. This peril is

not per se covered under the Program.

"Exception" means a waiver from the provisions of part 60 of this subchapter directed to a community which relieves it from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.

"Existing Construction" any structure for which the "start of construction" commenced before the effective date of this Resolution.

"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 Resolution.

"Existing Structures" see **"Existing Construction"**

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

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

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

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one 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 Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, 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 preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on 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 non-elevation design requirements of Subsection 60.3.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two 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 Resolution, 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" any structure for which the "start of construction" commenced on or after the effective date of this Resolution. 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 Resolution.

"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 projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; 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 structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency"(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 a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"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.

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

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in Subsection 60.3(b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.

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

5.072 General Provisions

A. Application

This chapter shall apply to all areas within the planning region of Cheatham County, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard **(Amended by Resolution 10, Dated October 18, 2010)**

The areas of special flood hazard identified on the Cheatham County, Tennessee,

Federal Emergency Management Agency, Flood Insurance Rate Maps, Community Number 470026 Panels 0025- 0320: Effective September 17, 2010, and Any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Resolution. These areas shall be incorporated into the Cheatham County, Tennessee Regional Zoning Atlas.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the flood hazard

areas or uses permitted within such areas will be free from flooding or flood damages. This resolution shall not create liability on the part of Cheatham County, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

H. Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Cheatham County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

5.073 Administration

A. Designation of the Building Commissioner

The Building Commissioner is hereby appointed to administer and implement the provisions of this Resolution.

B. Permit Procedures

Application for a development permit shall be made to the Building Commissioner on forms furnished prior to any development activity. The development permit may include, but is not be limited to the following: plans in duplicate drawn to scale, 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. Specifically, the following information is required:

1. Application Stage

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.*
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed, where base flood elevation data is available.*
- c. Certificate from a registered professional engineer or architect that the non-residential floodproofed building will meet the floodproofing criteria in 5.073, B, 2, where base flood elevation data is available.*
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

***(See 2. Below)**

2. Construction Stage

Within unnumbered A Zones, where flood elevation data are not available, the Building Commissioner shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Commissioner shall require that upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Commissioner a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean-sea-level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Commissioner shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said

corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Building Commissioner

Duties of the Building Commissioner shall include, but not be limited to:

1. Review of all development permits to assure that the requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Section 5.073, B, 2.
5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with Section 5.073, B, 2.
6. When floodproofing is utilized, the Building commissioner shall obtain certification from a registered professional engineer or architect, in accordance with Section 5.073, B, 2.
7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Commissioner shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.075.
8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Commissioner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this chapter.
9. All records pertaining to the provisions of this Resolution shall be maintained in the office of the Building Commissioner and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

5.074 Provisions for Flood Hazard Reduction

A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this resolution, shall meet the requirements of "new construction" as contained in this chapter; and,
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this resolution, shall meet the requirements of "new construction" as contained in this chapter and provided said nonconformity is not extended.

B. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A Zones, A1-30 Zones, AE Zones, AO Zones, AH Zones and A99 Zones, and has provided a regulatory floodway, as set forth in Section

5.072, B, the following provisions are required:

1. **Residential Construction.** New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 5.074, B, 3.

2. **Non-Residential Construction.**

New construction or substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-Zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 5.073, B, 2.

3. **Elevated Building.**

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - i. Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 5.074, B.

4. Standards for Manufactured Homes and Recreational Vehicles a. All

manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

- i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;

- ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

- iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Section 5.074, B, 4, b, i, and ii, above.

- iv. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. **(Added by Resolution 13, June 20, 2005)**

- c. All recreational vehicles placed on sites must either:

- i. Be on the site for fewer than one hundred eighty (180) consecutive days;

- ii. Be fully licensed and ready for highway use; or

- iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Section 5.074, B, 4, a, or b, i, and ii, above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no

permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Section 5.073, C, 8, shall be utilized for all requirements relative to the base flood elevation or floodways.

C. Standards for Areas of Special Flood Hazard Zones A1 -30 and AE with Established Base Flood Elevation, but Without Floodways Designated

Located within the areas of special flood hazard established in Article III. Section B, where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Section 5.074, B.

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

Located within the areas of special flood hazard established in Section 5.072, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of nonresidential buildings shall:
 - a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
 - b. together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects

of buoyancy.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the areas of special flood hazard established in Section 5.072, B, are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

1. All provisions of Section 5.073 and Section 5.074, A, and G, shall apply.

F. Standards for Areas of Special Flood Hazard with Established Base Flood Elevation and with Floodways Designated

Located within the areas of special flood hazard established in Section 5.072, B, where streams exist with base flood data and floodways provided, the following provisions apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, 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 of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. If Section 5.074, F, 1, above, is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Section 5.074, B.

G. Standards for Subdivision Proposals

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

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 or eliminate 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 fifty (50) lots and/or five (5) acres.

5.075 Variance Procedures

The provisions of this section shall apply exclusively to areas of special flood hazard within the Cheatham County Planning Region.

A. Board of Zoning Appeals

1. The Cheatham County Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this resolution, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Upon consideration of the factors listed above, and the purposes of this resolution, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this resolution.
5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or resolutions.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

5.076 Effective Date

This resolution shall be in force immediately after its passage and publication, the public welfare demanding it.