

**ZONING
RESOLUTION**

**CHEATHAM COUNTY,
TENNESSEE**

ZONING RESOLUTION

CHEATHAM COUNTY, TENNESSEE

MARCH 1, 1991

AMENDED: JULY 16, 2007

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Development
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CHEATHAM COUNTY
ZONING RESOLUTION AMENDMENTS

DATE	RESOLUTION	AMENDMENTS
July 20, 1992	3	Amended Article II, Section 2.020, Definitions, Structure
December 21, 1992	9	Amended Article V, Section 5.051, C-1, General Commercial District, F, Minimum Lot Size and Section 5.052, C-2, Neighborhood Commercial District, F, Minimum Lot Size
December 21, 1992	10	Amended Article V, Section 5.051, C-1, General Commercial District, D, Uses Permitted as Special Exceptions - Day Care Centers, and Section 5.052, C-2, Neighborhood Commercial District, D, Uses Permitted as Special Exceptions, Day Care Centers
December 21, 1992	12	Adopted Sections 5.070 - 5.076, Floodplain Regulations
October 16, 1995	6	Amended Article II, Section 2.020, Definitions, Add, Permanent Access Easement and Utility Easement Definitions and Article III, Section 3.030, Amend, A Lot Must Abut a Public Road or Permanent Access Easement
November 16, 1998	17	Article IV, Add, Section 4.120, Minimum Design Standards for Transmission and Communication Towers and Stations Date Adopted, November 16, 1998
October 18, 1999	10	Article VIII, Subsection 8.081, Amended by adding Subparts 6, 7, and 8
October 18, 1999	10	Article VIII, Section 8.050, D, Amended by Subpart 2, adding second paragraph
January 20, 2000	18	Amended Article V, Section 5.041, F, Subpart 1, be deleted in its entirety and replaced with a new Subpart 1.
January 20, 2000	18	Amended Article V, Section 5.042, F, Subpart 1, be deleted in its entirety and replaced with a new Subpart 1.

AMENDMENTS (continued)

February 25, 2000	18	Amended Article V, Section 5.072, B, be deleted in its entirety and replaced with a new Subsection B, Basis for Establishing the Areas of Special Flood Hazard
March 24, 2000	15	
March 24, 2000	15	Amended Article V, by Adding New Section 3.120, Fire Protection for Multi-Family Dwellings and for Commercial and Industrial Buildings
March 24, 2000	15	Amended Article IV, Section 4.072, E, 2, Amended Paragraph by Adding New Sentence at the End of Paragraph: Fire hydrants are to be placed in accordance with Section 3.120, of this resolution.
March 24, 2000	15	Amended Article VI, Section 6.040, D, 3, Amended Paragraph by Adding New Sentence at the End of Paragraph: Fire hydrants are to be placed in accordance with Section 3.120, of this resolution.
February 19, 2001	10	Amended Article VI, Section 6.050, C, 3, Amended Paragraph by Adding New Sentence at the End of Paragraph: Fire hydrants are to be placed in accordance with Section 3.120, of this resolution.
February 19, 2001	10	Article II, Section 2.020, <u>Definitions</u> , Added Adult Oriented Business.
February 19, 2001	10	Article V, Subsection 5.061, D, Uses Permitted as Special Exception, paragraph deleted and replaced with <u>Commercial Activities</u> , Adult Entertainment.
February 19, 2001	10	Article V, Subsection 5.062, D, Uses Permitted as Special Exception, added as 3, <u>Commercial Activities</u> , Adult Entertainment; and renumbered 3 to 4.
February 19, 2001	10	Article VIII, 8.070, Subpart H, amended by adding Subpart 2, <u>Special Conditions for Adult Entertainment Business</u> .

DATE	AMENDMENTS (continued) RESOLUTION	AMENDMENTS
May21, 2001	14	Amended Article VIII, Section 8.070, H, 2, <u>Special Conditions for Adult Entertainment Business,</u> Amended a, by deleting text and replacing.
May21, 2001	15	Amended Article VIII, Section 8.070, H, 2, <u>Special Conditions for Adult Entertainment Business,</u> Amended c.
May21, 2001	16	Article III, Section 3.100, <u>Accessory Use Regulations,</u> Added Subpart F.
December 16, 2002	5	Amended Article IV, Section 4.080, K, 7, a, (3), Maximum Size and Height - Thirty (30) square feet in area and six (6) feet in height. b, (3), Maximum Size and Height - Thirty (30) square feet in area and six (6) feet in height. Added new d, Churches, Public and Private Schools and Places of Public Assembly.
November 17, 2003	12	Article V, Section 5.010, Deleted and replaced with new Section 5.010, <u>Establishment of Districts.</u>
November 17, 2003	12	Article V, amended by adding new Subsection 5.053.
January 17, 2005	9	Article VIII, Section 8.050, Subsection D, 2, amended to add two new Paragraphs.
January 17, 2005	9	Article VIII, Subsection 8.081, Subsections 7 and 8, deleted text and replaced with new text.
June20, 2005	13	Article V, Subsection 5.074, B, 4, Subpart b, by adding new Subpart iv.
October 24, 2005	4	Article V, Section 5.041, <u>A, Agriculture District, Subsection D, Uses Permitted as Special Exceptions,</u> by adding Subpart 10, <u>Commercial Campgrounds and Recreational Vehicle Parks.</u>
October 24, 2005	4	Article VIII, Section 8.070, H, 1, e, be deleted in its entirety and add new Subpart 3, <u>Commercial Campgrounds and Recreational Vehicle Parks.</u>

May 15, 2006	3	Article II, Section 2.020, Definitions, Added definition of: Kennel
August 17, 2009	6	Article VIII, Section 8.050, B, deleted entirety and add new. <u>Resolution Regarding Appeals To The Board Of Zoning Appeals.</u>
October 19, 2009	8	Article VIII, Section 8.030, A, deleted in its entirety and added new. <u>Requirements and Application for a Building Permit.</u>
October 18, 2010	10	Article V, Section 5.072, B, portion of section deleted and new added. <u>Basis for Establishing the Area of Special Flood Hazard.</u>

ARTICLE I
ENACTMENT

SECTION

- 1.010 Authority
- 1.020 Title
- 1.030 Purpose
- 1.040 Enactment
- 1.050 Repeal

1.010 AUTHORITY

A resolution, in pursuance of the authority granted by Sections 13-7-101 through 13-7-115 and 13-7-401, Tennessee Code, to regulate, in the portions of Cheatham County, Tennessee, which lie outside of the municipal corporation, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, agricultural, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding; to provide for the orderly and reasonable uses of solar energy in the interest of public health, safety and general welfare; to provide methods of administration of this resolution, and to prescribe penalties for the violation thereof.

1.020 TITLE

This resolution shall be known as The Zoning Resolution of Cheatham County, Tennessee, dated **March 1, 1991**. The zoning map shall be referred to as the Official Zoning Map of Cheatham County, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this resolution.

1.030 PURPOSE

The purpose of this resolution is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- a. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- b. preventing overcrowding of land;
- c. conserving the value of land and buildings;
- d. minimizing traffic hazards and congestions;

- e. preventing undue concentration of population
- f. providing for adequate light, air, privacy, and sanitation;
- g. reducing hazards from fire, flood, and other dangers;
- h. assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- i. encouraging the most appropriate uses of land;
- j. enhancing the natural, man-made and historical amenities of Cheatham County, Tennessee.

1.040 ENACTMENT

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

1.050 REPEAL

The existing Regional Zoning Resolution of Cheatham County, Tennessee, **January 15, 1990**, as amended, is hereby repealed. The adoption of this resolution, however, shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said regulations, as amended, if the violation is also a violation of this resolution.

ARTICLE II
DEFINITIONS

SECTION

2.010 Scope
2.020 Definitions

2.010 SCOPE

For the purpose of this resolution and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word "shall" is mandatory.
- d. The word "may" is permissive.
- e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- f. The word "lot" includes the words "plot" or "parcel."

2.020 DEFINITIONS

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Zoning Resolution. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING OR STRUCTURE: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ADULT ORIENTED BUSINESS: Any business as defined by Sections 7-51-1101 through 7-51-1121, of the Tennessee Annotated. **(Added by Resolution 10, February 19, 2001**

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this resolution.

ADVERTISING SIGN OR STRUCTURE: See SIGN.

AGRICULTURE USE: The use of a tract of land for all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture viticulture, floriculture, forests, and wood, provided, however, all health codes of Cheatham County are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use nor shall the commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

ATTACHED: An enclosure having continuing walls, roof and floor.

AUTOMOBILE WRECKING: A yard, field, or other area used as a space of storage for one or more motor vehicles which is unserviceable, discarded, worn-out, junked, or which does not have current license. A motor vehicle is defined as any self-propelled vehicle not operated exclusively on track, including motorcycles.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BOARD: The Cheatham County, Tennessee Board of Zoning Appeals.

BUFFER STRIP: A greenbelt planted strip intended to create a buffer between incompatible uses as regulated in Article III, Section 3.110.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes or trailers, and similar structures whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING COMMISSIONER: The Building Codes Officer or his authorized representative appointed by the Cheatham County Commission.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING OFFICIAL: Any appointed or certified official of the Building Department.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

BULK: Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CLINIC: See Medical Facility.

COMMUNITY PLANNER: Zoning Administrator for the Zoning Regulations of the County as appointed by the County Mayor.

CONDITIONAL USE (SPECIAL EXCEPTION): A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, when specific provisions for such use is made in this resolution. For the purposes of administration of this resolution, conditional uses shall

be construed as synonymous with special exceptions, as controlled by Section 13-7-107, Tennessee Code.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats but excludes other apparel, cleaning and repair services.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, club house, pool, dining facilities, lounge.

COUNTY COMMISSION: The Cheatham County Commission.

COVERAGE: The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

DAY CARE HOME OR CENTER: Any place, home or institution, which receives eight (8) or more unrelated young children for general care, exercise, play or observation.

DEVELOPMENT: Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

DIRECTOR, BUILDING DEPARTMENT: Administrative Supervisor of the Building Department, appointed by the Cheatham County Commission upon recommendation by the County Mayor.

DISTRICT: Any section or sections of the area lying within Cheatham County, Tennessee, but outside the corporate limits of any municipality for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are in force.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household, includes modular/manufactured.

Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

Multi-family dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provider cooking and dining facilities.

Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

Town House means a residential structure containing three (3) or more nondetached dwelling units separated by a common vertical wall.

Condominium means an apartment building or townhouse containing three (3) or more dwelling units separated by a common vertical wall.

Mobile home dwellings means a detached one-family dwelling with all the following characteristics:

- (1) A single self-contained unit and mounted on a single chassis.
- (2) A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
- (3) Not designed and constructed in accordance with the applicable provisions of the adopted building code, except Appendix I, "Mobile Home Standards".
- (4) Not designed and constructed in accordance with applicable provisions of the adopted housing codes.
- (5) Not containing a plumbing system designed and installed to meet the applicable requirements of the adopted plumbing code.
- (6) Denoted by a **RED** tag issued by the Federal Department of Housing and Urban Development.

Modular/Manufactured means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this resolution when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.

FAMILY: One or more persons related by blood, lawful marriage, or adoption, living as a single housekeeping unit. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this resolution, shall be construed to include groups of eight (8) or fewer unrelated mentally

retarded or physically handicapped persons and with two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. (See Chapter 24, of Title 13, Tennessee Code.)

FLOOR AREA: The total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of the building or portions thereof without walls, but excluding in the case of nonresidential facilities; arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, of if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

HEALTH DEPARTMENT: The Cheatham County Department of Health and Environment.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See MEDICAL FACILITIES.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.

KENNEL: A building, structure, pen, cage or other facility used to provide care, treatment or boarding services for four (4) or more domestic animals (excluding agricultural livestock), over the age of twelve (12) weeks, which animals are recovering from an injury or veterinary treatment; or which are awaiting adoption, sale, or transfer to another facility; or which by contract with the owner are being boarded until the animal's owner returns and reclaims same. **(Added by Resolution 3, May 15, 2006)**

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

LANDHOLDER: The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this resolution.

LOADING SPACE: An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of records, occupied or to be occupied by one or more principal building and accessory buildings, including the open spaces required under this resolution.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred-thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this resolution.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MARINA: A facility for the docking and servicing of boats.

MEDICAL FACILITIES:

Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation or fee.

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

Hospital: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

Public Health Center: A facility utilized by a health unit for the provision of public health services.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this resolution which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky, except as, otherwise, provided in this resolution.

OWNER: Includes his duly authorized agent or attorney, a purchaser, devise, fiduciary, and a person having a vested or contingent interest in the property in question.

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PERMANENT ACCESS EASEMENT: A perpetual easement guaranteeing right of ingress and egress to and from the premises of a lot owner to a street appurtenant to the land of the owner. Any permanent access easement utilized as the sole means of providing legal access to two (2) or more parcels of land shall: (1) be so designed as to assure continuing adequate ingress and egress for emergency vehicles; and (2) be assured adequate continuing maintenance by an owners association or similar organization. The portion of the permanent access easement intended for ingress and egress shall unless located within a Planned Unit development district be constructed to the standards of a public street as specified in the Subdivision Regulations. In any instance where a permanent access easement is located within a PUD district or multi-family development, the design standard shall be as approved in the development plans required therefore. **(Added by Resolution 6, October 16, 1995)**

PLANNED UNIT DEVELOPMENT: A relatively large, interrelated development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

PLANNING COMMISSION: The Cheatham County Regional Planning Commission.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with two meeting any yard requirement.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

PUBLIC USES: Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment.

SHOPPING CENTER: A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to its' trade area.

SIGN. BILLBOARD. OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit. For further definition, see Article IV, Section 4.080.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board of Zoning Appeals that it will meet certain standards, enumerated safeguards, or qualifying conditions.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than one-half (1/2) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

STRUCTURE: Anything constructed, assembled, or erected, the use of which required permanent or semi-permanent location on the ground, or attachment to something having a permanent or semi-permanent location on the ground including but not limited to buildings, stadiums, radio or other transmission towers, sheds, storage dens, fallout shelters, swimming pools, mobile and manufactured homes and signs. Shall not include fences and pavement or similar surface treatment. **(Amended by Resolution 3, July 20, 1992)**

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

USE: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

UTILITY EASEMENT: The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easement shall include, but is not limited to, easement for storm drainage, water lines, sewer lines, electric power lines, and pipe lines. **(Added by Resolution 6, October 16, 1995)**

WASTE:

Nonhazardous Waste shall mean typical domestic waste generated from an average residence or business, including but not limited to paper, glass, food, cloth, garbage, trash, and sanitary septic tanks.

Hazardous Waste shall be designated so if any of the following characteristics apply:

Characteristic of Ignitability. A flashpoint of 60 degrees C or 140 degrees F, for a liquid or capable under standard temperatures and pressure of causing fire through friction, absorption of moisture or spontaneous chemical changes or an ignitable compressed gas or oxidizer.

Characteristic of Corrosivity. An aqueous with a PH less than or equal to 2 or greater than or equal to 12.5 or a liquid which corrodes steel at a rate greater than .25 inch per year at 130 degrees F.

Characteristic of Reactivity. It is normally unstable and readily undergoes violent change without denoting, reacts violently to water, a sulfide which generates toxic gas when exposed.

Characteristic of EP Toxicity. A waste that exhibits EP toxicity using the required test of the Department of Health and Environment.

Waste. Listed under Tennessee's Hazardous Waste Management Regulations.

Hospital/Medical Waste. Any waste generated from a hospital, nursing home, or clinic or any other medical facility including but not limited to hospital supplies, bedding, needles, blood, and infectious waste.

YARD: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this resolution, provided that accessory buildings may be located in a rear yard.

YARD FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD, SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ARTICLE III
GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only One (1) Principal Building on Any Lot
- 3.030 Lot Must Abut a Public Road or Permanent Access Easement
- 3.040 Reduction in Lot Area Prohibited
- 3.050 Rear Yard Abutting a Public Road
- 3.060 Corner Lots
- 3.070 Future Road Lines
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Landscaping and Buffer Strips
- 3.120 Fire Protection for Multi-Family Dwellings and for
Commercial and Industrial Buildings (Added by Resolution 15, March 24, 2000)

3.010 SCOPE

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

3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY LOT

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

3.030 A LOT MUST ABUT A PUBLIC ROAD OR PERMANENT ACCESS

E
ASEMENT (Amended by Resolution 6, October 16, 1995)

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

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

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

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

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

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

3.040 REDUCTION IN LOT AREA PROHIBITED

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

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

3.050 REAR YARD ABUTTING A PUBLIC ROAD

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

3.060 CORNER LOTS

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

3.070 FUTURE ROAD LINE

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

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

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

3.090 ACCESS CONTROL

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective road frontage.

All points of access shall be constructed as to provide for proper drainage.

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

3.100 ACCESSORY USE REGULATIONS

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

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

3.110 LANDSCAPING AND BUFFER STRIPS

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

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

- A. Provisions for administration shall be as follows:
 - 1. Following the adoption of this ordinance no site plan shall be approved which does not meet the landscaping and buffering requirements pertaining to it.

2. No application for a zoning change shall be recommended for approval by the Planning Commission or approved by the County Commission unless such application demonstrates that the provisions of this section pertaining to buffering can be met.
3. The Board of Zoning Appeals shall not approve any request for a special exception unless the provisions of this section can be met.
4. The landscaping measures as required by this and approved on the landscaping plan submitted in accordance with these provisions shall be completed according to specifications prior to the issuance of an occupancy permit.

B. General Landscaping Requirements

1. Landscaping shall be integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, shrubs, ground cover, perennials, annuals, plant sculpture, art and the use of building and paving materials in an imaginative manner.
2. Where the strict provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, landscaping requirements may be waived.

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

- (a) Minimum number of

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

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

C. Buffer Screens

1. Buffer screening shall be subject to the following provisions:
 - (a) Buffering screening shall be provided along all zoning district boundaries separating any special exceptions from permitted uses.
 - (b) Buffer screening shall be located along the outer perimeter of a lot or parcel, and shall extend to the lot or parcel boundary line. The required minimum yard may be utilized to provide buffer screening. There shall be three (3) different buffer screening requirements which will apply in the following manner. Right of ways shall not constitute a separation of uses.

BUFFER ONE

Use Adjacent/Abutting Use

C2 A, E1, R1, R2, R3

BUFFER TWO

Use Adjacent/Abutting Use

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

BUFFER THREE

Use Adjacent/Abutting Use

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

2. Buffer screening shall be defined as follows:

(a) Buffer Screening One

Shall consist of an unbroken strip of open space a minimum of twenty (20) feet wide and planted with:

One large evergreen tree with a current height of fifteen (15) feet or greater for every ten (10) linear feet, plus one (1) medium evergreen with a current height of ten (10) to fifteen (15) feet for every five (5) linear feet, or

With the approval of the planning commission, one (1) large deciduous tree with a current height of fifteen (15) feet or greater for every fifteen (15) linear feet plus one (1) medium evergreen with a current height of ten (10) to fifteen (15) feet for every five (5) linear feet.

(b) Buffer Screen Two

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

One large evergreen tree with a current height of fifteen (15) feet or greater for every ten (10) linear feet, plus one (1) medium evergreen with a current height of ten (10) to fifteen (15) for every five (5) linear feet, plus one (1) deciduous tree with a current height of fifteen (15) feet or greater for each thirty linear feet, or

With the approval of the planning commission one (1) large deciduous tree with a current height of twenty (20) feet or greater for every fifteen (15) linear feet, plus one (1) medium evergreen

tree with a current height of ten (10) to fifteen (15) feet for every five (5) linear feet, plus one (1) small deciduous tree with a current height of ten (10) feet for each twelve (12) linear feet.

(c) Buffer Screen Three

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

One (1) large evergreen tree with a current height of twenty (20) feet or greater for every ten (10) linear feet, plus one (1) medium evergreen with a current height of ten (10) to fifteen (15) feet for every five (5) linear feet, plus one (1) deciduous tree with a current height of twenty (20) feet or greater for each thirty (30) linear feet, plus one medium evergreen shrub with a current height of two (2) feet or greater for every fifteen (15) linear feet, or

With the approval of the planning commission, one (1) large deciduous tree with a current height of twenty (20) feet or greater for every fifteen (15) linear feet, plus one (1) medium evergreen tree with a current height of ten (10) to fifteen (15) feet for every five (5) linear feet, plus one (1) small deciduous tree with a current height of ten (10) feet for every twelve (12) linear feet, plus seven (7) medium evergreen shrubs with a current height of two (2) feet or greater for every ten (10) linear feet.

3. Modifications and Waivers

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

- (a) Buffer screening may not be required between uses that are to be developed under a common development plan or a series of development plans within a PUD district or a common site plan.
- (b) Where the strict provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, buffer screening may be waived. Where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination or architectural and landscaping techniques buffer screens may be waived.
- (c) Buffer screening may be modified or waived where the subject property line abuts a railroad or limited access highway right of way.

- (d) The buffer screening and the lot being protected is such that a barrier would not be effective.
- (e) Buffer screening may be modified or waived for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.
- (f) In certain unusual circumstances of topography, or to alleviate certain specific problems, i.e., the blocking of glare, muting of noise, etc., the planning commission may require the use of an earth berm or more specialized fence material in lieu of, or in combination with, any of the buffer screening requirements.

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

A. Multi-Family Dwellings

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading and Unloading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupations
- 4.050 Gasoline Service Station Restrictions
- 4.060 Swimming Pool Restrictions
- 4.070 Development Standards for Multi-Family Projects
- 4.080 Standards for Signs, Billboards, and Other Advertising Structures
- 4.090 Development Standards for Mobile Home Parks
- 4.100 Development Standards for Automobile Wrecking, Junk & Salvage Yards
- 4.110 Development Standards for Cemeteries
- 4.120 Minimum Design Standards for Transmission and Communication Towers and Stations (**Added by Resolution No. 17, November 16, 1998**)
- 4.130 Minimum Standards - Land Disturbing Activities (Added by Resolution, July 16, 2007)
- 4.140 Minimum Standards - Sawmill Operations (Added by Resolution, July 16, 2007)

4.010 OFF-STREET PARKING REQUIREMENTS

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (9 feet x 18 feet) and such space shall be provided with vehicular access to a street or alley. All parking for industrial, commercial, or multi-family uses shall be covered with a dustless material and spaces lined and marked. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A. Single Detached Dwelling, Duplex and Mobile Homes:** Not less than two (2) spaces for each dwelling unit.
- B. Apartment, Townhouse, and Condominium:** Not less than two (2) spaces per dwelling unit.
- C. Boarding Houses and Rooming Houses:** Not less than one (1) space for each (1) room to be rented.
- D. Other Dwelling Units:** Not less than two (2) spaces per dwelling unit.
- E. Hotels, Motels and Other Tourist Accommodations:** Not less than one space for each room to be rented plus one (1) additional space for each two (2) employees.
- F. Any Auditorium, Church, Stadium, or Other Place of Public Assembly:** Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.

- G. Manufacturing, Industrial or Wholesaling Use:** Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
- H. Office and Professional Buildings:** Not less than one (1) parking space for each two hundred-fifty (250) square feet of office space, or fraction thereof.
- I. Retail Sales and Service Establishments:** Not less than one (1) parking space for each two hundred (200) square feet, or fraction thereof, of floor space.
- J. Medical or Dental Clinic:** Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
- K. Service Stations:** Not less than five (5) spaces for each grease rack or service bay, or one (1) space for each fifteen hundred (1,500) square feet of lot area of fraction thereof, whichever is greater.
- L. Restaurants:** Not less than one (1) space per one hundred-fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each two (2) employees.
- M. Shopping Centers:** Five and one-half (5 1/2) parking spaces for each one thousand (1,000) square feet of gross floor area.
- N. Other Structures or Uses Customarily Requiring Automobile Storage Areas:** For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011 Certification of Minimum Parking Requirement

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

4.012 Combination of Required Parking Spaces

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

4.013 Requirements for Design of Parking Lots

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090, of this resolution.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- E. A parking lot for multi-family residential, commercial or industrial uses shall be suitably paved with an all weather wearing surface or dustless material. All paving must be completed within six (6) months after completion or issuance of a temporary occupancy permit.

4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

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

Total Usable Floor Area for Principal Building	Spaces Required (See Article II, for Definition)
0 to 4,999 sq. ft.	One (1) space
5,000 to 9,999 sq. ft.	Two (2) spaces
10,000 to 14,999 sq. ft.	Three (3) spaces
15,000 to 19,999 sq. ft.	Four (4) spaces
Over 20,000 sq. ft.	Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.

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

4.030 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Board of Zoning Appeals through the Building Department. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the

proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.

- A. Carnivals, Festivals or Circuses:** May obtain a Temporary Use Permit in the Agricultural, Commercial, or Flood Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall be permitted on lots where adequate off-street parking can be provided.
- B. Limited Duration Goods and Merchandise:** May obtain a thirty (30) day Temporary Use permit for the display and sale of limited duration goods and merchandise on open lots in any district.
- C. Temporary Buildings:** In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Real Estate Sales Office:** In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Cheatham County Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2), six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- E. Religious Tent Meeting:** In any district, except Industrial Districts, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- F. Seasonal Sale of Farm Produce:** In any district except the industrial districts, a Temporary Use Permit may be issued for the sale of farm produce grown on the premises. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five (5) month period. All structures must be set back from the right-of-way.
- G. Temporary Dwelling Units in Case of Medical Hardships:** In any district, a Temporary Use Permit may be issued to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this Subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Cheatham County Health Department approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for twelve (12) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory building.

H. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Cheatham County Health Department and/or the Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

I. Temporary Manufacture of Road Materials: In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Cheatham County Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this resolution.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months.

4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS

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

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

4.050 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline services stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps and canopies shall not be located closer than fifteen (15) feet to any right-of-way line.
- C. Sign requirements as established in Article IV, Section 4.080, shall be met.

4.060 SWIMMING POOL RESTRICTIONS

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any required front yard in the Agricultural and Residential Districts.
- B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than three (3) feet in height and maintained in good condition.
- C. Private swimming pools are permitted in Agricultural, Residential, and Commercial Districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

4.070 DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL PROJECTS

This procedure shall be used in the case of a multi-family residential project of one (1) or more residential buildings to be constructed on a plot of ground not subdivided into the customary streets and lots, and which will not be so subdivided. The procedure applies to all proposals for multi-family (i.e., apartment and townhouse units) development whether such units are individually owned or held in common ownership. The reviewing agency for this plan is planning commission.

4.071 Procedure for Submission and Review

A site development plan as specified in Section 8.030, B, shall be required for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section.

4.072 Required Development Standards

The following shall apply to all developments subject to this provision:

A. Location

1. The site shall comprise a single lot or tract of land, except where divided by public streets.
2. The site shall abut a public street.

B. Density and Dimension

1. The average number of dwelling units per acre of buildable land, not including streets, shall not exceed that permitted within the applicable district.
2. All yard requirements as established for the districts in which such use is permitted are applicable, except where buildings may be joined by common walls.

C. Design

1. Internal Drives: The maximum grade on any drive shall be seven (7) percent unless an alteration is specifically approved by the planning commission.
2. Where feasible, all drive intersections shall be at right angles.
3. Minimum distance between buildings shall be thirty (30) feet at any point.

D. Public Street Access

1. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.
2. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

E. Required Improvements

1. **Internal Drives:** Specifications for drives in multi-family residential developments shall conform to roadway specifications as specified by the Cheatham County Regional Planning Commission Subdivision Regulations to which reference is hereby made and incorporated herein by reference.
2. **Utilities:** The development shall be served with a public water systems adequate to ensure fire protection and a public sanitary sewer system or an alternative sewage disposal system approved by the Cheatham County Health Department. Fire hydrants are to be placed in accordance with Section 3.120, of this resolution. **(Amended by Resolution 15, March 24, 2000)**
3. **Storage of Solid Waste:** Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.
4. **Service Building:** Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.
5. **Landscape Requirements.** See Article III, Section 3.110.

**4.080 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING
STRUCTURES**

A. Purpose and Intent

Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent street, sidewalks, and property. The provisions of this section are made to establish reasonable and impartial regulations for all exterior signs to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorist and pedestrians; to impair the visibility of motorists and pedestrians; to insure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.

B. Applicability

- These sign regulations shall apply to all exterior signs within Cheatham County which are outside corporate city limits.

C. Definitions

Awning. Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning Sign. A sign placed directly on the surface of an awning.

Banner. A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, plastic, or paper.

Billboard. See off premises sign.

Bulletin Board Sign. A particular type of changeable copy sign that displays copy in a casement of glass or Plexiglass.

Canopy. An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy Sign. A sign attached to a canopy.

Changeable Copy Sign. A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Copy. The characters, letters, or illustrations displayed on a sign face.

Directional Sign. A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots.

Directory Sign. A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

Freestanding Sign. The general term for any on-site sign which is supported from the ground and not attached to a building.

Frontage, Building. The length of a building that faces a street, parking area, or private drive.

Frontage Lot. The length of that part of zoning lot that fronts a public street.

Illegal Sign. A sign that was constructed in violation of regulations that existed at the time it was built.

Illuminated Sign. A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Marquee. A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee Sign. A sign attached to and made part of a marquee or any other similar projection from a building.

Monument Sign. A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign.

Nonconforming Sign. A sign that met all legal requirements when constructed but that is not in compliance with this ordinance. An illegal sign is not a nonconforming sign.

Off-Premises Sign. Any sign which is not located on the premises that it identifies or advertises.

Pole Sign. A freestanding sign with a base at least seven (7) feet above the ground which is supported from the ground by a pole or a similar support structure of narrow width.

Portable Sign. A sign that is not permanently affixed to building, structure, or the ground or designated to be permanently affixed to a building, structure, or the ground.

Projecting Sign. A sign which is supported by an exterior wall of building and which is displayed perpendicular to the face of the building.

Sign Distance Triangle. The land adjoining a street intersection that is kept clear of obstructions between three (3) and seven (7) feet above ground to protect the visibility and safety of motorists and pedestrians. The protected sight distance area is the triangle with legs shall extend thirty-five (35) feet away from the intersection of the flowlines. Where collector or arterial streets meet, the legs shall extend forty-five (45) feet away from the intersection of the flowlines.

Sign. Any device situated outdoors that displays letters, characters, or graphics to identify a land use or attract the public's attention.

Temporary Sign. A sign that is displayed only for a specified period of time.

Wall Sign. A sign painted on or attached to a wall of a building and parallel to the wall.

D. Administration

The building inspector shall have the responsibility and full authority to administer and enforce all provisions of this ordinance, other than those provisions specifically reserved for the authority of the Board of Zoning Appeals.

E. Permit Procedures

1. Permit Required

No sign or sign structure, except as provided in Sections I (exempt signs) and N (nonconforming signs), shall be erected, displayed, altered, relocation, or replaced until a sign permit has been issued. For the purpose of this ordinance, all signs are considered accessory uses of real property and shall be located on the premises of the principal use to which they pertain.

2. Permit Application

Applications for sign permits shall be submitted on a form provided by the building inspector and shall contain or have attached at a minimum the following information in either written or graphic form:

- a. Application date.
- b. Name, address, and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.
- c. Address of property where the sign or sign structure will be erected.
- d. Signature(s) of the sign owner and, if different, the owner of the land on which the sign will be displayed.
- e. Location of the sign on the property in relation to lot lines, buildings, sidewalks, streets, public rights of way, and intersection.
- f. Type of sign (i.e., monument, wall) and general description of structural design and construction materials.
- g. Drawing(s) of the proposed sign which shall contain specifications indicating height, perimeter, and area dimensions, means of support, method of illumination if any, and any other significant aspect of the proposed sign.
- (h) Any other information requested by the building inspector in order to carry out the purpose and intent of these regulations.

3. Permit Review, Issuance, and Recording

The building inspector shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application, with approval and approval date noted, for all signs which conform to the requirements of this ordinance. Such approved applications shall serve as sign permits. The building inspector shall maintain a record of all sign permit applications with notations of approval or disapproval. All sign permits shall be dated and numbered in the order of their issuance.

4. Inspections

A final inspection by the building inspector or his designee shall be completed after installation of all approved signs. Any discrepancies between an approved sign and a sign as constructed shall be identified in writing and may result in the halt of construction or sign removal, if so ordered by the building inspector.

5. Complaints and Revocations

The building inspector shall investigate any complaints of violations of this ordinance and may revoke a permit if there is any violation of the provisions of this ordinance or there was misrepresentation of any material facts in either the application or plan.

F. Expiration of Sign Permits

If an approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued, the permit shall expire and become null and void.

G. Removal

1. Illegal Signs

The building inspector may remove or order the removal of any sign not in conformance with the provision of this ordinance, at the expense of sign owner or lesser.

2. Immediate Peril

If the building inspector shall find any sign which is an immediate peril to persons or property, the sign shall be removed. If the building inspector cannot locate the sign owner or lessor for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessor.

H. Variances

1. Generally

The Board of Zoning Appeals may grant variances for the following reasons:

- a. To allow a setback for a sign that is less than the required setback.
- b. To allow the area or height of a sign to be increased by up to twenty-five (25) percent of the maximum height or area allowed.

2. Standard of Review

The Board of Zoning Appeals shall consider applications for variances only in situations where the applicant has been denied a sign permit by the building inspector. The Board may grant a variance authorized by this section if it finds that the following special physical conditions exist:

- a. The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and

b. Such physical characteristics prevent legal signing from identifying the activity compared to legal signing identifying other activities in the immediate area.

3. Procedures

All request for variances must be filed with the Board of Zoning Appeals within thirty (30) days of the decision by the Building Inspector.

I. Exempt Signs

Sign permits shall not be required for the following:

Address and Name of Resident. Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.

Artwork. Works of art that do not include any commercial messages or references.

Decals. Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at establishment.

Directional Signs. Signs giving on-site directional assistance for the convenience of the public, not exceeding two (2) square feet in area or located closer than five feet to any property line. Directional signs may be internally lit or illuminated by white light only.

Flags, Emblems, and Insignia. Of any governmental agency or religious, charitable, public or non-profit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall mounted flags, emblems, or insignia shall be limited to one per zoning lot and shall not exceed forty (40) square feet in area.

Handicapped Parking Space Sign. Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.

Home Occupation Signs. On-premises identification signs for home occupations shall not exceed two (2) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.

Private Drive Signs. On-premises private drive signs limited to one per drive entrance, not exceeding two (2) square feet in area, with language limited to the words "private drive" and the address of any residences utilizing the private roadway.

Public Signs. Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

Security and Warning Signs. On premises signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed two (2) square feet in area in residential zones and five (5) square feet in commercial and industrial areas.

Temporary Real Estate Signs. Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one per property not exceeding six (6) feet in height and not exceeding four (4) square feet in residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.

Temporary Political Sign. On premises temporary political signs may be located in any district. These signs are permitted in addition to any other signs permitted by this resolution. The signs shall be removed within seven (7) days after the election or political event.

J. Temporary Signs Requiring a Sign Permit

The following signs may be erected only after obtaining a temporary sign permit from the building inspector. the permit shall cite the length of time the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the building inspector may remove it and charge the costs of removal to the individual or enterprise responsible.

Special Event Sign. Signs announcing special events including, but not limited to, auctions, grand openings, new management, going out of business, and event sponsored by religious, charitable or public service groups. Any business, individual, or organization may display once in a twelve (12) month period a maximum of two (2) signs for up to fourteen (14) days prior to a special event. Such signs shall be attached to buildings or existing private sign structures or sign poles with the permission of the owner and shall not exceed sixteen (16) square feet in area each and shall be removed immediately following the event.

Temporary Farm Products Signs. Temporary on-premises signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height.

Construction Sign. Temporary signs announcing new buildings or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding twenty (20) square feet in area and eight (8) feet in height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.

K. Standards and Criteria

1. Generally

The regulations in this section specify the number, types, sizes, heights, and locations of signs which are permitted within Cheatham County and which require a permit. Any sign regulations incorporated into a development plan approved by the County Court may supersede all or part of this section.

2. Determination of Sign Area

In meaning the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that encompass the letters or sign face.

3. Determination of Sign Height

The height of a sign erected within thirty (30) feet of a street shall be the distance from the grade level of the nearest curb of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than thirty (30) feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

4. Street Frontage Requirements for Freestanding Signs

Freestanding signs shall be permitted only on zoning lots with one hundred (100) feet or more of street frontage.

5. Spacing of Freestanding Signs

No freestanding sign shall be erected within one hundred (100) feet of another freestanding sign.

6. Installation of Wall Signs

All wall signs shall be installed flat against the wall of buildings and shall not extend from the wall more than twelve (12) inches.

7. Residential Districts

Within residential districts, signs authorized in Section I (exempt signs) do not require a permit. Permits are required for all other allowed signs and must conform to the following criteria:

a. Single Family Subdivision Identification Signs

Signs that identify the name of single family residential subdivisions, located at any street entrance to the subdivision shall be erected as follows:

- (1) **Number.** One (1) per main entrance, not exceeding two (2) per subdivision.
- (2) **Type.** Monument.
- (3) **Maximum Size and Height.** Thirty (30) square feet in area and six (6) feet in height. **(Amended by Resolution 5, December 16, 2002)**
- (4) **Minimum Setback.** Ten (10) feet from any property line and outside of all sight visibility triangles.

b. Multi-Family Residential Complex Signs

Signs that identify the name and/or address of an apartment, townhouse, condominium, or other multi-family residential complex, located at any street or private drives entrance to the complex, shall be erected as follows:

- (1) **Number.** One (1) per main entrance, not to exceed two (2) per complex.
- (2) **Type.** Monument or pole.
- (3) **Maximum Sizes and Heights:** Thirty (30) square feet in area and six (6) feet in height. **(Amended by Resolution 5, December 16, 2002)**
 - i. **Monument Sign.** Twenty (20) square feet in area and five (5) feet in height.
 - ii. **Pole Sign.** Sixteen (16) square feet in area and twelve (12) feet in height with the base of the sign at least seven (7) feet above the ground.
- (4) **Minimum Setback.** Ten (10) feet from any property line and outside of all sight visibility triangles.

c. Accessory Management or Rental Office Signs.

Signs that identify an accessory management or rental office shall be erected as follows:

- (1) **Number.** One (1).
- (2) **Type.** Wall.

- (3) **Maximum Size and Height.** Six (6) square feet in area and located below the roof line.

d. **Churches, Public and Private Schools and Places of Public Assembly. (Added by Resolution 5, December 16, 2002)**

Signs that identify the name of the facility may be located as follows:

- (1) **Number.** One sign per main entrance not to exceed two (2) per facility.
- (2) **Type.** Monument.
- (3) **Maximum Size and Height.** Thirty (30) square feet in area and six (6) feet in height.
- (4) **Minimum Setback.** Ten (10) feet from any property lines and outside of all visibility triangles.

8. **Commercial and Industrial Districts**

Within commercial and industrial districts, signs authorized in Section I (exempt signs) do not require a permit. Permits are required for all other allowed signs and must conform to the following criteria.

- a. **Signs Facing Residential Areas.** Any sign erected within one hundred (100) feet of either an existing residential use or a residential zoning district shall be nonilluminated and limited to sixteen (16) square feet in area and five (5) feet in height.

- b. **Minimum Setback.** All signs and sign structures must be located at least ten (10) feet from any property line and outside of all visibility triangles.

- c. **Zoning Lots with One Establishment.** Any establishment located on a zoning lot with one establishment may erect signs as follows:

- (1) **Number.** Maximum of two (2) signs, but in no case shall two (2) freestanding signs be allowed on the same zoning lot.
- (2) **Types.** Wall, monument, pole, projecting, awning, canopy, or marquee.
- (3) **Maximum Sizes and Heights:**

- i. **Wall or Marquee Sign.** One (1) square foot of sign per two (2) linear feet of building frontage on which sign or signs are to be attached, up to a maximum of

one hundred (100) square feet in area for all wall or marquee signs. The top of all wall and marquee signs shall be below the roof line and at a height no greater than twenty (20) feet above the ground.

- ii. Pole Sign.** One (1) square foot of sign area per five (5) linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of twenty-four (24) square feet in area. The top of the sign shall not exceed twenty (20) feet in height and the base of the sign shall be at least seven (7) feet above the ground.
- iii. Monument Sign.** One (1) square foot of sign area per five linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of thirty-two (32) square feet in area. The height of a monument sign shall not exceed five (5).
- iv. Projecting Sign.** One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of a building more than four (4) feet.
- v. Awning or Canopy Sign.** One (1) square foot per two (2) linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

d. Multiple Establishments on Single Zoning Lots

Multiple establishments on single zoning lots that do not constitute a shopping center may erect one monument sign with a maximum size of thirty-two (32) square feet and height of five (5) feet or one pole sign with maximum size of twenty-four (24) square feet and height of twenty (20) feet. In addition, each establishment located on a single zoning lot with two or more establishments may erect one sign as follows:

(1) **Type.** Wall, projecting, awning canopy or marquee

(2) **Maximum Size and Height:**

- i. **Wall or Marquee Sign.** One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a

maximum of one hundred (100) square feet in area for all wall or marquee signs. The top of all wall and marquee signs shall be below the roof line and at a height no greater than twenty (20) feet above the ground.

ii. **Projecting Sign.** One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior of the wall of a building more than four (4) feet.

iii. **Awning or Canopy Sign.** One (1) square foot per two (2) linear feet of awning or canopy, up to maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

e. **Shopping Centers.** Shopping centers with five (5) or more establishments planned as an integrated development shall be authorized to erect signs based on the following criteria:

(1) **Center Identification Sign.** One (1) monument or pole sign per street fronting the center, not to exceed a total of two (2) signs, identifying the name of the center. the name of any major establishment within the center may serve as the name of the entire center. In addition to identifying the name of the center, the sign may identify up to two (2) individual establishments within the center.

i. **Monument Sign.** Each sign shall have a minimum area of twenty (20) square feet and a maximum area of one (1) square foot per three thousand (3,000) square feet of gross building floor area up to a maximum of forty (40) square feet and a maximum height of ten (10) feet.

ii. **Pole Sign.** Each sign shall have a minimum area of fifteen (15) square feet and a maximum area of one (1) square foot per three thousand (3,000) square feet of gross building floor area up to a maximum of thirty-two (32) square feet. The top of the pole sign shall not exceed fifteen (15) feet in height and the base of the pole sign shall be at least seven (7) feet above the ground.

(2) **Individual Establishment Signs.** No freestanding sign shall be displayed for individual establishments located within a center. Any establishment may display one (1) sign per street frontage, up to a maximum of two (2) signs, according to the following criteria:

i. Wall or Marquee Sign. One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of one hundred (100) square feet in area for wall or marquee signs. The top of all wall or marquee signs shall be located below the roof line and at a height no greater than twenty (20) feet above the ground.

ii. Projecting Sign. One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than fifteen (15) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of a building more than four (4) feet.

iii. Awning or Canopy Sign. One (1) square foot per two (2) linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

f. **Gasoline Stations.** Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile service and gasoline stations:

(1) Changeable Fuel Price Signs. Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be included in determining the sign area for the business.

(2) Gas Pump Signs. Each gas pump shall be permitted a total of one (1) square foot of sign area to identify the product dispensed.

g. **Office and/or Industrial Centers.** Office and/or industrial centers at least two (2) acres in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:

(1) **Center Identification Signs.** One (1) monument sign per public street frontage, not to exceed a total of two (2) monument signs identifying the name of the center only and not exceeding forty (40) square feet in area and six (6) feet in height.

(2) **Individual Building Signs.** Where an office and/or industrial center is comprised of two (2) or more buildings, each individual building may erect one (1) monument sign, not to exceed twenty (20) square feet in area and four (4) feet in height, identifying the principal establishment within the building.

(3) **Individual Establishment Signs.** Each individual establishment within an office and/or industrial building may erect one (1) wall sign of a size which does not exceed one (1) square foot in area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of thirty-two (32) square feet in area. The top of the wall sign shall be located below the roof line and at a height no greater than fifteen (15) feet above the ground.

h. **Directory Signs.** Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed fifteen (15) square feet in area and six (6) feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.

i. **Theaters.** Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical productions.

9. **Other Uses**

In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the building inspector shall make a written interpretation of the ordinance, which shall be kept in the permanent record for the application.

L. **Construction and Maintenance**

1. **Building Code Compliance**

All signs shall be constructed in compliance with the current building code.

Signs shall not be erected in or over a street or highway right of way, or on public land except as permitted in this ordinance.

3. Condition of Signs

All signs and components shall be maintained in good repair and in a safe, clean, and attractive condition.

M. Prohibited Signs

The following are expressly prohibited unless specifically stated otherwise in this ordinance.

Animated and Moving Signs. Including, but not limited to, pennants, flags with commercial messages, banners, streamers, propellers, discs, and searchlights.

Flashing Signs. Any signs that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.

Glaring Signs. Signs with light sources or reflectivity of such brightness that constitute a hazard or nuisance as determined by the Building Inspector.

Inflatable Signs and Objects. Including, but not limited to, balloons.

Off-Premises Signs, Including Billboards. Any sign which is not located on the premises that it identifies or advertises.

Portable Signs. Any sign that is not permanently affixed to a building, structure, or the ground. This shall not apply to authorized temporary signs.

Posters and Handbills. Any signs affixed to trees or other natural vegetation, rocks, or utility poles.

Roof Signs. Any signs which are erected on a roof or which extend in height above the roof line of the building on which the sign is erected.

Simulated Traffic Signs and Obstructions. Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection or extend into the public right of way.

Strings of Lights. Including lights that outline property lines, sales areas, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity.

Vehicular Signs. Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purpose of this ordinance, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

N. Nonconforming Signs

1. Generally

Any sign which does not conform to the provisions herein of the date of the enactment of this resolution or any date on which the resolution is amended, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign. No nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner, except that a sign face may be changed so long as the new face is equal to or reduced in height, sign area, and/or projection and a sign permit is issued for the sign face change.

2. Removal

Nonconforming signs may remain, provided they are maintained in good repair, except for the following:

a. **Damage or Destruction of Sign.** A nonconforming sign which is damaged or destroyed to the extent of fifty (50) percent or more of its sign face shall not be altered, replaced or reinstalled unless it is in conformance with these regulations. If the damage or destruction is less than fifty (50) percent of the sign face, the sign may be restored within one (1) year of the damage or destruction, but shall not be enlarged in any manner.

b. **Damage or Destruction of Use.** A nonconforming sign shall be removed according to the provisions of these regulations if the structure or use to which it is accessory is damaged or destroyed to the extent of fifty (50) percent or more of the principal structure's appraised value.

c. **Change of Use.** Whenever a land use changes, any previously nonconforming signs which become nonconforming because of the change in land use must be modified so as to be in full compliance with these regulations.

O. Severable Nature of Resolution

The various sections, subsections, paragraphs, and clauses of this resolution are severable and in the event that any section, subsection, paragraph, or clause is adjudged invalid, the remainder of the resolution shall remain in full force and effect.

P. Protection of First Amendment Rights

Any sign, display, or device allowed under this resolution may contain, in lieu of any other copy, and otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this resolution.

4.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

A. Mobile Home Park Building Permit

1. Review Procedure

Twelve (12) copies of the required site plan shall be submitted to the Cheatham County Planning Commission at least ten (10) days in advance of the meeting at which it is to be reviewed. The Planning Commission will review the submittal for compliance with the mobile home park site plan standards set forth below. Incomplete information shall result in the site plan being returned without action. Once a building permit has been issued the applicant may begin construction.

2. Site Plan Required

A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by the planning commission of a site development plan containing the following information.

- a. The name and address of the applicant.
- b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- c. The location, size, and number of all mobile home spaces.
- d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
- e. The proposed use of buildings shown on the site plan.
- f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- g. The location and number of all off-street parking facilities.
- h. The location of park and recreation areas.
- i. A complete drainage plan with contour lines at five (5) feet.

- j. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
- k. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- l. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Building Department, the Planning Department, and the Planning Commission to determine if the provision of these regulations are being complied with shall be submitted with the site plan.
- m. Landscaping as regulated in Section 3.110.

B. Development Standards

1. General

- a. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- b. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

2. Minimum Development Size

No mobile home park shall be approved which contains less than five (5) acres in area or has less than ten (10) mobile home spaces.

3. Dimensional Requirements for Parks

- a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
- b. Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.

- c. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- d. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.
- e. At no time shall the density for the park exceed the maximum permissible density for the district it is located in.

4. Spacing of Mobile Homes and Site Coverage

- a. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.
- b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access street.
- c. Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

5. The Mobile Home Space

- a. **General:** The limits of each mobile home space shall be marked on the ground by suitable means. Location of space limits on the ground shall be the same as shown on accepted plans. No space shall be smaller than five thousand (5,000) square feet.
- b. **Mobile Home Stands:** The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks", **May, 1977**.
- c. **Outdoor Living Area:** Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.

- d. Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

6. Utilities and Other Services

- a. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.
- b. Each mobile home site shall be provided with the connection to a sanitary sewer line or to a sewage disposal system approved by the Cheatham County Health Department.
- c. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
- d. Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.
- f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

7. Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

a. Circulation

The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

b. Pavement Widths

Pavement widths shall be as follows:

Collector Street	
with no parking	20 ft.
with on-street parking	36 ft.
Minor Street	
with no parking	18 ft.
with on-street parking	34 ft.
One-Way Minor Street	
with no parking	12 ft.
with on-street parking	28 ft.

c. Construction

The internal streets and drives shall be paved in accordance with Cheatham County Subdivision Regulations.

8. Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

9. Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

10. Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

11. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

12. Parking

a. Off-Street Parking

As regulated in Section 4.010

C. Responsibility of Park Management

1. The permittee shall operate the mobile home park in compliance with this resolution and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this resolution and inform them of their duties and responsibilities under this resolution.
3. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the building department which includes securing its stability to anchor pins and installing all utility connections.
4. The permittee shall maintain a register containing the following information:
 - a. The name and address of each mobile home occupant.
 - b. The name and address of the owner of each mobile home and motor vehicle by which it was towed.
 - c. The make, model, year, and license number of each mobile home and motor vehicle.
 - d. The date of arrival and of departure of each mobile home.

5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
6. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
9. The permittee shall be answerable for the violation of any provision of this section.

D. Responsibilities of Park Occupants

1. The park occupants shall comply with all applicable requirements of this Zoning Resolution and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.
3. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 - a. The storage area shall be provided with a base of impervious material.
 - b. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 - c. The storage area shall be enclosed by skirting.
4. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
5. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.
6. All park occupants shall be required to register their pets (dogs and cats) with the park management.

7. All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.
8. Park occupants shall not be allowed to construct or place pens for animals on the park premises.
9. No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

E. Inspections

1. The building official or other designated official is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.
2. The building official or other designated official shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

3. Penalties

- a. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
- b. Each day that a violation is permitted to exist shall constitute a separate offense.
- c. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

F. Revocation of Permit

The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

G. Prohibited Structures

1. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.
2. Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.

3. Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

4.100 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS.

A site development plan specified in Section 8.030, B, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Cheatham County Regional Planning Commission is the agency responsible for this review.

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

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking:** As regulated in Article IV, Section 4.010.
- F. Ingress and Egress:** The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.

- G. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Cheatham County except where a more stringent state or Federal law applies.

4.110 DEVELOPMENT STANDARDS FOR CEMETERIES

- A. The following standards shall be imposed upon the development and construction of cemeteries in Cheatham County:
 - 1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
 - 2. Any new commercial cemetery shall be located on a site containing not less than twenty (20) acres.
 - 3. All structures including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
 - 4. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
 - 5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

4.120 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS (Added by Resolution No. 17, November 16, 1998)

Standards for Telephone, Telegraph, and Communications Transmitter Stations and Towers; all transmitter stations, including towers and operating equipment shall adhere to the following standards:

- A. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") Standard 222E-1 991, utilizing a wind rating of eighty (80) miles per hour plus ice loading for Cheatham County, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.
- B. A site plan in compliance with Section 8.030, shall be approved by the Planning Commission prior to the issuance of a building permit.
- C. All towers shall be set back from all property lines by a distance that is equal to:
 - 1. for a guyed tower, twenty (20) percent of the height, and
 - 2. for a self-supporting tower, fifty (50) percent of the height.

- D. All applications for permits to build towers in Cheatham County must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- E. The entire tract containing the tower and equipment shall be enclosed with a fence no shorter than six (8) feet in height. Access gates will be locked at all times when the site is not occupied.
- F. Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening, and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than eight (8) feet in height at the time of planting, and shall be permanently maintained.
- G. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration.

4.130 Minimum Standards for Land Disturbing Activities

4.130. Purpose

The purpose of this article is to establish procedures and standards to evaluate and regulate the effect a proposed development will have on fill, stormwater runoff, soil erosion, and channel erosion from such developments and surrounding areas, and to require, if necessary, that certain proposed developments be provided with adequate preparation, stormwater retention and detention.

The land disturbing, stormwater retention and detention rules of this article shall apply to any proposed development of land where a building permit is required.

The regulations of this article are supplemental to any other law that pertains to the development of land including buildings, structures, parking lots and other similar improvements. If there is a conflict between this article and any other law, the more stringent requirement shall apply.

Definitions

- A. BEST MANAGEMENT PRACTICES:** Practices and control measures intended to minimize pollutants from property or facility stormwater runoff and the provision for long term responsibility for management control and of the same.
- B. DETENTION:** The holding of stormwater onsite until the existing drainage system can accommodate the runoff.
- C. DREDGING:** The removal or displacement by any means of soil, sand, gravel, shell or other like material from coastal wetlands, submerged lands, marshlands, or water bottoms.
- D. EXCAVATE:** Dig out, scoop out, hollow out or otherwise make a hole or cavity by removing soil, sand, gravel or other material from any property so as to change the grade of such property.
- E. FILL:** 1. (v) The placing upon or the building up of property with earth, sand, gravel, rock, or other material; 2. (n) The earth, sand, gravel, rock, or other material used for such purpose (as the context may indicate).
- F. RETENTION:** The slowing of stormwater runoff from leaving a site so that flow into the existing drainage system can be maintained at a reasonable level.

4.131. Sediment and Erosion Control

Installation of improvements must be done in such a manner as to provide for the most effective control of erosion and sediment. Developers shall follow the standards and best management practices as outlined in the Tennessee Department of Environment and Conservation (TEDAC) Soil and Erosion Handbok. Practical combinations of the following technical principles must be used.

- A. The smallest practical area of land must be exposed at any one time during development.
- B. All fill material must be compacted to prevent the occurrence of sink holes, erosion and sediment loss from the developed property, and cannot be comprised of construction or demolition materials regulated by TEDAC for disposal in a landfill.
- C. When land is exposed during development, the exposure is to be kept to the shortest practical period of time.
- D. Temporary vegetation and/or mulching must be used to protect critical area exposed during development.
- E. Sediment basins (debris basins, desilting basins, or silt-traps) must be installed and maintained to remove sediment from waters from land undergoing development.
- F. Provisions must be made to effectively accommodate runoff caused by changed soil conditions during and after development.
- G. Permanent final vegetation and structures must be installed as soon as practical in the development.
- H. The development plan must be fitted to the topography and soils so as to create the least possible erosions.
- I. Wherever feasible, natural vegetation must be retained and protected.

4.132. Application Review

The Building Official and/or other designated official shall review every application for a building permit to which this article applies and evaluate the proposed development to determine whether it will increase stormwater runoff. This determination will be based on the following factors:

- A. Location and size of the development
- B. Slope and soil conditions
- C. Use of fill materials
- D. Existing drainage systems and facilities
- E. Any other considerations which may pertain to the discharge of stormwater from the development site.

4.133. Stormwater Runoff

- A. No owner of any parcel of land, whether with or without a structure thereupon, shall permit the erosion or escape of soil, sand, gravel or similar material from said parcel onto any public street or into any drainage channel that receives stormwater runoff from said parcel as to harm said public street or drainage channel.
- B. In the development of any site, including single-family houses and duplexes, the developer shall not construct the development so as to cause the discharge of stormwater runoff into either a newly constructed or existing drainage channel receiving runoff from the site in such a manner as to cause erosion of such channel.

4.134. Inspection of Development

The Building Official and/or other designated official shall inspect each development once the site plan is approved and a building permit issued. A failure to construct the development in accordance with the approved site plan, or in violation of any of this article, shall result in a revocation of the building permit and the refusal to issue a certificate of occupancy.

4.135. Permit

- A. It shall be unlawful for any person to fill or excavate a parcel of land if the grade or elevation of such parcel will be changed enough to result in an increase or decrease in the volume or rate of surface water flow from or onto the land of another unless such person shall have first obtained a permit issued in accordance with this article.
- B. It shall be unlawful for any person to alter or relocate any ditch, canal, drain or watercourse which drains or affects the drainage of land other than that of said person without having first obtained a permit issued under this article.
- C. Filling or excavating in the minimum amount required for the preparation of the foundation for a building or structure shall not require a permit under this article; nevertheless, any other permit or permits required by this ordinance or other laws of the County shall be obtained before beginning foundation preparation.
- D. Fill material shall not consist of construction/demolition debris as defined in 7 (d) 1 or customarily disposed in landfills regulated by the Tennessee Department of Environment and Conservation as defined in 7 (d) 2, including:
- E. "Construction/demolition wastes" means wastes, other than special wastes, resulting from construction, remodeling, repair and demolition of structures and from road building. Such wastes include but are not limited to bricks, concrete

and other masonry materials, soil, rock and lumber, road spoils, rebar, paving material.

F. TEDAC Classification of Disposal Facilities SOLID WASTE PROCESSING AND DISPOSAL CHAPTER 1200-1-7 (Rule 1200-1-7-.01, August, 2006 (Revised))

1. Class I Disposal Facility refers to a sanitary landfill which serves a municipal, institutional, and/or rural population and is used or to be used for disposal of domestic wastes, commercial wastes, institutional wastes, municipal solid wastes, bulky wastes, landscaping and land clearing wastes, industrial wastes, construction/demolition wastes, farming wastes, shredded automotive tires, dead animals, and special wastes.
2. Class II Disposal Facility refers to a landfill which receives waste which is generated by one or more industrial or manufacturing plants and is used or to be used for the disposal of solid waste generated by such plants, which may include industrial wastes, commercial wastes, institutional wastes, farming wastes, bulky wastes, landscaping and land clearing wastes, construction/demolition wastes, and shredded automotive tires. Additionally a Class II disposal facility may also serve as a mono fill for ash disposal from the incineration of municipal solid waste.
3. Class III Disposal Facility refers to a landfill which is used or to be used for the disposal of farming wastes, landscaping and land clearing wastes, demolition/construction waste, shredded automotive tires, and/or certain wastes having similar characteristics and approved in writing by the Department.
4. Class IV Disposal Facility refers to a landfill which is used or to be used for the disposal of demolition/construction wastes, shredded automotive tires, and certain wastes having similar characteristics and approved in writing by the Department.

4.136. Application Required

- A. A person seeking a permit required by this article shall file a written application thereof with the Building Official and/or other designated official.
- B. Required Information: The application shall contain:
 1. Name and address of the applicant.
 2. A legal description of the parcel of land to be filled or excavated or upon which the ditch, canal, drain or watercourse to be altered or relocated is situated.
 3. If required by the Building Official and/or other designated official, a topographical map of the land to be filled or excavated or of the ditch, canal, drain or watercourse to be altered or relocated and the surrounding area for such distance as the Building Official and/or other designated official may direct.
 4. A description of the work to be done.

5. A description of the fill material, if any, to be used.
6. The estimated time needed for completion of the work.
7. Any other relevant information as may be reasonably required by the Building Official and/or other designated official.
8. Construction Site Runoff Controls Checklist (if applicable to permit request).

4.137. Maintenance of Facilities and Grant of Easements

A. Maintenance of Facilities

1. All improvements, including post construction best management practices and landscaping, shall be maintained in perpetuity and cannot be developed for any other use which would limit or cause to limit the use of the improvements. Responsibility and maintenance of these improvements shall follow the Ownership of the property.
2. Each property owner shall be liable, within the contents of his deed, for the maintenance of the improvements. A special note to this effect shall appear on any final plat of subdivision.
3. When problems arise due to inadequate maintenance, the County Inspector may inspect the improvements and compel the correction of the problem by written notice. If it is impracticable for the property owner to make the correction, the property owner may contract with the County for the correction of the problem if such service is available, provided the County is adequately reimbursed.

B. Grant of Easement

As a condition of issuing the permit, if required for the protection of the public or other landowners, the Board may require the applicant to:

1. Grant the County a drainage easement or easements across the land involved in the permit application and any adjacent land owned by the applicant; and,
2. Construct and maintain such drainage ditch or ditches as may be necessary. A Certificate of Post Construction Best Management Practice Perpetual Responsibility and Maintenance must be provided in order to obtain a Certificate of Occupancy.

4.140 Minimum Standards for Sawmill Operations

4.140. Purpose.

The purpose of this amendment is to establish the policy of allowing sawmills in the Agricultural, Residential, and Industrial Zones under specific standards and requirements designed to limit the use of sawmill operations located in each zone and to minimize its impact on neighboring agricultural, residential, and commercial properties.

DEFINITIONS

- A. Permanent Industrial Sawmill:** Generally operating on one (1) or more full-time work shifts, five (5) or more days per week, constructed for the processing of timber logs into forestry products such as milled lumber, cants, treated posts, firewood and wood by-products such as slab wood, wood chips, bark chips and sawdust, and including planing and sizing facilities, kilns, storage yards and accessory maintenance facilities incidental to sawmill operations.
- B. Permanent Small Scale Sawmill:** A facility for the processing of timber logs into forestry products such as milled lumber, cants, treated posts, firewood and wood by products such as slab wood, wood chips, bark chips and sawdust, and which may include planing and sizing facilities, kilns, storage yards and accessory maintenance facilities incidental to sawmill operations, but which is generally operated for the custom cutting of timber for local loggers. Operation allowed only in AG – 1A and Industrial I – 1A Zones.
- C. Portable Sawmill:** A small, self-contained sawmill that is moved to the site where the timber is to be sawn and then moved on to another location. This use does not include those permitted under other sawmill definitions.
- D. Temporary Sawmill:** Sawmill operations, not necessarily in structures, providing that no saw or other noisy equipment shall be operated within 100 feet of any highway or for more than 14 days of any calendar year within 300 feet of any residence. Such temporary sawmill use is limited to 7:00 am to 6:00 pm Monday through Friday in the Agricultural, Residential, and Commercial Zones.
- E. Noise Buffers:** The installation of absorbing material on walls and ceilings of enclosed or partially enclosed areas aids in reducing reflected noise throughout the mill. Buffers are defined as materials, equipment or other structures designed to reduce noise from sawmills to a level less than eighty (80) decibels, measured at any point outside the lot line.

4.141 PERMANENT SAWMILL: INDUSTRIAL ZONE

- A. Statement of Purpose. The purpose of this amendment is to establish a policy of allowing sawmills in the I – 1, I – 2, and I – 3 Industrial Zones under specific standards and requirements designed to limit the use of a sawmill operation located in a industrial zone and to minimize its impact on neighboring properties.
- B. Statement of Use. The Special Permit application shall include a comprehensive statement of use describing the operations:

1. Specifications for the saw and all equipment related to the proposed use (including, but not limited to, trucks, chippers, etc.)
2. Identification of outside storage area, and
3. Other information as required by these regulations or by the Planning Commission.

Applicants are encouraged to consult with the Building Department and the Planning Department in the preparation of an application. The Planning Department shall refer an application for a sawmill Special Permit and the Site Plan to the Planning Commission for its comments not later than thirty days before the public hearing to be held in relation thereto. Any report submitted to the Planning Commission at or prior to the conclusion of the public hearing shall be made public at the hearing.

C. Minimum Standards—Location and Operation

1. The sawmill facility shall be defined as the saw and related equipment (such as, but not limited to: planer, edger) or the building enclosing the operation. Sawmills shall be classified as an Industrial Activities land use.
2. Noise. No use shall be carried on in any manner which produces noise perceptible at any lot line of the lot on which the use is conducted at a level which at any time exceeds 85 decibels, measured at any point at the lot line.
3. It shall be the responsibility of the applicant to establish and maintain the sawmill facility in such a way that it will comply with the standards in the Noise Regulation. If necessary, noise reduction steps must be taken in order to comply with the standards. Prior to issuance of a Certificate of Occupancy the Zoning Enforcement Officer shall request the applicant to provide certification of compliance with Noise Control Regulations. If at any time the sawmill operation exceeds the maximum allowable noise level, the Zoning Enforcement Officer shall issue a cease and desist order.
4. The sawmill building shall be set back a minimum of 200 feet from property lines located in residential zones and 100 feet from property lines located in the Commercial Zones.
5. The use shall be limited to one commercial saw and related equipment. The hours of operation of the sawmill facility shall be limited to those between 7:00 a.m. to 10:00 p.m.
6. There shall be no burning of mill waste on the property.

D. General Standards for the Location of a Sawmill Building. The proposed sawmill shall be located to minimize noise and visual impact on surrounding neighborhood properties. Wherever possible, the sawmill location shall be selected on the basis of the following general standards:

1. Located on a high point on the property in relation to surrounding properties.

2. Buffered from surrounding properties by a 20 foot buffer trees or a solid fence 10 feet in height.
 3. Set back the maximum distance possible from property lines.
- E. Outside Storage. Any portion of the lot outside of an enclosed structure to be used for any equipment, material, product or by-product associated with the proposed operation shall be considered an outside storage area.
1. The outside storage area shall be clearly delineated on the Site Plan and shall be staked in the field.
 2. The Planning Commission may require a landscape buffer or other screening of any planned outside storage area.
 3. Outside storage areas shall be located a minimum of 100 feet from any property line.
- F. Vehicular Access and Use. Access shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
1. Because they will be serving a more intense use, existing access ways must be reviewed by the State DOT or the Road and Bridge Committee and the County Highway Department to determine consistency with State or County standards. New access ways shall be governed by current zoning regulations.
 2. The Planning Commission may limit, as a condition of the permit, the size of vehicles and/or the number of daily, weekly, or monthly vehicular trips associated with sawmill use entering and leaving the property. Such conditions shall be made in consideration of the location of the site in relation to the State highway system, the width of county or city streets providing access to the site and the nature of the neighborhood along the streets leading to the site. The application shall include a map showing the approach streets to be used by all trucks entering or leaving the property.

4.141 PERMANENT SAWMILL: AGRICULTURAL ZONE

- A. Statement of Purpose. The purpose of this amendment is to establish a policy of allowing sawmills in the Agricultural Zone under specific standards and requirements designed to limit the use of a sawmill operation located in an industrial zone and to minimize its impact on neighboring properties.
- B. Statement of Use. The Special Permit application shall include a comprehensive statement of use describing the operations:
 1. Specifications for the saw and all equipment related to the proposed use (including, but not limited to, trucks, chippers, etc.)
 2. Identification of outside storage area, and
 3. Other information as required by these regulations or by the Planning Commission.

Applicants are encouraged to consult with the Building Official and the Planning Department in the preparation of an application. The Planning Department shall refer an application and the Site Plan to the Planning Commission for its comments not later than thirty days before the public hearing to be held in relation thereto. Any report submitted to the Planning Commission at or prior to the conclusion of the public hearing shall be made public at the hearing.

C. Minimum Standards for Small Scale Sawmills

1. A Concept Review application for operation and re-zoning must be submitted to the Planning Department and Planning Commission along with a site plan meeting all local, state, and federal requirements for review and approval before operations commence.
2. The Planning Commission may establish any additional conditions on the operation of any sawmill or chipmill, depending upon specific features of the site, the subject of such conditions which may include but are not limited to periods and hours of operation, noise levels, screening, setbacks, access, storage areas, parking and loading, odors, and materials storage.
3. Except in the Light Industrial District, the hours of operation of any large-scale or small-scale sawmill shall be limited to between 6:00 AM and 6:00 PM Monday – Saturday
4. All access roadways and vehicle and equipment parking areas shall be paved, or covered with gravel so as to be well-drained and provide an all-weather surface.
5. No soil, sawdust, chips, or debris from the site shall be deposited on any county or state maintained road.
6. No storage of logs, lumber, sawdust, bark, scrap wood or equipment of any kind shall be permitted within 50 feet any side or rear yard property line or within 200 feet of the front property line.
7. No buildings, structures, log or lumber sorting or storage yards, parking areas or equipment storage areas shall be located within 100 feet from a stream edge or any wetland as defined by state or federal law.
8. A visual screen comprised of solid fencing at least 10 feet high or evergreen trees at least 20 feet in width shall be planted along any site boundary line that abuts one (1) or more residential lots and along the front setback except for the area along the entrance.
9. There shall be no burning of mill waste on the property.
10. All entrances must be gated and locked during hours of non-operation.
11. All evergreen trees shall be at least eight (8) feet in height at time of planting and be spaced so as to form an opaque vegetative screen. The owner shall be responsible for maintaining this vegetation buffer.

4.142 PORTABLE SAWMILL: AGRICULTURAL ZONE

A. Minimum Standards for Portable Sawmills:

1. An application for operation must be submitted to the Building Department for review and permitting approval before operations commence.
2. The Building Department may establish any additional conditions on the operation of any sawmill, depending upon specific features of the site, the subject of such conditions which may include but are not limited to periods and hours of operation, noise levels, screening, setbacks, access, storage areas, parking and loading, odors, and materials storage.
3. No saw or other noisy equipment shall be operated within 100 feet of any highway or for more than 60 days of any calendar year on an initial permit from the Building Department. Extensions of the permit may be granted as a Special Exception by the Board of Zoning Appeals for 30 additional days if extenuating circumstances exist.
4. No operations within 300 feet of any residence without a special exception permit from the Board of Zoning Appeal.
5. Such temporary sawmill use is limited to 7:00 am to 6:00 pm Monday through Friday in the Agricultural, Residential and Commercial Zones.
6. A portable sawmill shall only process timber cut from the parcel on which the portable sawmill is located.
7. No building or structure shall be erected for the storage, drying or processing of timber.
8. No commercial, wholesale, or retail sales of timber products shall be permitted on the site.

4.143 TEMPORARY SAWMILL: AGRICULTURAL ZONE

A. Minimum Standards for Temporary Sawmills:

1. An application for operation must be submitted to the Building Department for review and permitting approval before operations commence.
2. The Building Department may establish any additional conditions on the operation of any sawmill, depending upon specific features of the site, the subject of such conditions which may include but are not limited to periods and hours of operation, noise levels, screening, setbacks, access, storage areas, parking and loading, odors, and materials storage.
3. No saw or other noisy equipment shall be operated within 100 feet of any highway or for more than 14 days of any calendar year on an initial permit from the Building Department. Extensions of the permit may be granted as a Special Exception by the Board of Zoning Appeals for 7 additional days if extenuating circumstances exist.
4. No operations within 100 feet of any residence without a special exception permit from the Board of Zoning Appeal.

5. Such temporary sawmill use is limited to 7:00 am to 6:00 pm Monday through Friday in the Agricultural, Residential and Commercial Zones.
6. No building or structure shall be erected for the storage, drying or processing of timber.
7. No commercial, wholesale, or retail sales of timber products shall be permitted on the site.

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, December 21, 1992)**

5.010 ESTABLISHMENT OF DISTRICTS (Deleted and Replaced by Resolution 12, 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 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, Cultivating, and Protection Services
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.

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 . C o m m u n i t y E d u c a t i o n

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, October 24, 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, January 20, 2000)

Minimum area per single family dwelling and individual mobile home:

	with public water supply
without public water supply	5 acres

Lot Width at Building Setback Line:

for a 4 acre lot	125 ft.
for a 5 acre lot	150ft.

2. Minimum Yard Requirements

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

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, Cultivating, and Protection Services
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.

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.

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:

**Kindergartens, 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 Homes for Physically or Mentally Handicapped Persons, which house 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, January 20, 2000)

Minimum Area per Single Family Dwelling

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

Lot Width at Building Setback Line

for a 3-acre lot	125ft.
for a 5-acre lot	150ft.

2. Minimum Yard Requirements

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

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, Marinas, and Yacht Clubs
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 no 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-1, Low 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 R-1, Low Density Residential District, shall comply with the following requirements.

1. Minimum Lot Size

Minimum Area per Dwelling Unit

with Public Water	1 acre
without Public Water	5 acres

Lot Width at Building Setback	125 ft.
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2. Minimum Yard Requirements

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

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 principal building shall exceed three (3) stories or thirty-five (35) 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. Landscaping

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

7. 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.

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.

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, Marinas, and Yacht Clubs
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 no more than ten 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 R-2, Medium Density Residential 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 Setback

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

2. Minimum Yard Requirements

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

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area.

4. Height Requirements

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

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Landscaping

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

7. 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.

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 this resolution.

4. E s s e n t i a l S e r v i c e s

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.

D. Uses Permitted as Special Exceptions

In the R-3, High 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 . C o m m u n i t y E d u c a t i o n

The activities typically performed by the following institutions:

Kindergarten, Primary and Secondary Schools
Public and Private Nursery Schools

4 . C u l t u r a l a n d R e c r e a t i o n a l S e r v i c e s

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, Marinas, and Yacht Clubs
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

E. Uses Prohibited

In the R-3, High 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 R-3, High Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size

For One and Two Family Dwellings:

Minimum Lot Area	15,000 sq. ft.
Minimum Lot Area per Family	15,000 sq. ft.

For Multi-Family Dwellings:

Minimum Lot Area	40,000 sq. ft.
Maximum Overall Density per Gross Acre	8 units

Minimum Width at Building Setback 75 ft.

2. Minimum Yard Requirements

Front Yard Setback	30 ft.
Side - for One or Two Stories, Plus an Additional Five (5) Feet for Each Additional Story	10 ft.
Rear	20ft.

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 forty (40) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Landscaping

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.

7. 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.

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. U s e s P e r m i t t e d in the C-1, General

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, 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, 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
	without Public Water	5 acres
Lot Width at Building Setback		100 ft.

2. Minimum Yard Requirements

Front Yard Setback	50 ft.
Side	10ft.
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 abuts 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.

SELF – STORAGE OR MINI-WAREHOUSE: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, controlled access stalls or lockers for the dead storage of the customer's goods or wares. No sales or repair activities are permitted on the premises. Storage units shall not be used for human or animal habitation.

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, December21, 1992)

Day Care Centers

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, December21, 1992)

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

1. Minimum Lot Size

	with Public Water	20,000
	without Public Water	5 acres
Lot Width at Building Setback		100 ft.

2. Minimum Yard Requirements

Front Yard Setback	50 ft.
Side	20ft.
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 abuts 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 twenty-five (25) percent of the total area of the lot.

3. Height Requirements

No principal structure shall exceed thirty-five (35) feet in height, except as provided in Article VII, 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, rear lot line, and 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, 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 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 Regulations

1. Minimum Lot Size

With Public Water	40,000 sq. ft.
Without Public Water	5 acres

Lot Width at Building Setback

With Public Water	150 ft.
Without Public Water	250 ft.

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

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

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, 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 | 20ft. |
| 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, February 19, 2001, and 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	20ft.

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	20ft.
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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 yard setback	30 ft.

3. Maximum 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 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, 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 Department'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 orA99.

"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 nonbasement 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 this resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this resolution.

"Existing Construction" 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 preliminarily 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 nonelevation design requirements of this resolution.

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

"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 this resolution is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (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 article 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, 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, 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 article 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 Floodplain Administrator

The Floodplain Administrator 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 Floodplain Administrator 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 nonresidential building will be floodproofed, where base flood elevation data is available.*
- c. Certificate from a registered professional engineer or architect that the nonresidential 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.)**

Within unnumbered A Zones, where flood elevation data are not available, the Floodplain Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building 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 Floodplain Administrator 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 Floodplain Administrator 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 Floodplain Administrator 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 Floodplain Administrator

Duties of the Floodplain Administrator 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 Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

2. Construction Stage

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 Floodplain Administrator 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 Floodplain Administrator 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 Floodplain Administrator 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 article.
9. All records pertaining to the provisions of this resolution shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection. Permits issued under the provisions of this resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.
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 article; 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 article 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. Nonresidential 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 petitions 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 article.

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.

ARTICLE VI
PLANNED UNIT DEVELOPMENT
REGULATIONS FOR SPECIAL DISTRICTS

SECTION

- 6.010 Special District Description and Purpose
- 6.020 General Provisions
- 6.030 Administrative Procedure
- 6.040 RPUD, Residential Planned Unit Development Districts
- 6.050 CPUD, Commercial Planned Unit Development Districts
- 6.060 C-5, Neighborhood Commercial Mixed Use Zoning District

6.010 SPECIAL DISTRICT DESCRIPTION AND PURPOSE

These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof.

In Cheatham County, two (2) types of Planned Unit Development Districts are permitted: Residential (RPUDs) and Commercial (CPUDs).

6.020 GENERAL PROVISIONS

A. Master Plan Required

No application for PUD zoning shall be considered unless a master plan meeting the requirements set forth in Section 6.020, B, below, is submitted therewith.

B. Ownership and Division of Land

No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an approved PUD may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the planning commission.

C. Relationship to Subdivision Regulations

The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility

right-of-ways, curbs, and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the planning commission. Modifications may be incorporated only with the approval of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval of the master plan by the planning commission.

D. Development Period, Staging Schedule

The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

Within one (1) year after the date of approval, actual construction shall have commenced in such development. In the event that construction has not been started, the planning commission shall conduct a hearing on the review of the PUD and may proceed to cancel or extend such final master plan depending on the circumstances of each case.

The planning commission may permit the development to be constructed in stages so that the completion is achieved in a logical manner. The following provisions shall govern the staging schedule:

1. In a residential planned unit development, the ratio of gross floor area of commercial activity to residential activity in the plan as initially approved or amended shall not be exceeded at any given stage of construction.
2. Each stage be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the planned unit development or its surroundings at any stage of the development.

E. Common Open Space, and Facilities

Any common open space or public or private facilities shall be subject to the following provisions:

1. The location, shape, size, and character of common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
2. Common open space must be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

3. The planning commission may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication be approved by the planning commission. However, the conditions of any transfer shall conform to the adopted final master plan.
4. In the event that the organization established to own and maintain the common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the Director of the Building Department may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Director shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Director determines that the organization is not prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.
5. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a lien on said properties.
6. If the common open space is deeded to a Homeowners' Association, the Developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:
 - a. The Homeowners' Association must be set up before the homes are sold.
 - b. Membership must be mandatory for each homebuyer and any successive buyer.
 - c. The open space restrictions must be permanent, not just for a period of years.
 - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - e. Homeowners must pay their prorata share of the cost and the assessment levied by the association can become a lien on the property.
 - f. The association must be able to adjust the assessment to meeting changing needs.

- g. The Cheatham County Regional Planning Commission and the County Commission may, as a condition of approval in accordance with the master development plan, require that suitable areas for streets, public right-of-ways, schools, parks, or other public areas be set aside, improved, and/or dedicated for public use.

6.030 ADMINISTRATIVE PROCEDURE

The provisions of this section govern the procedure for approval for all PUDs as provided herein.

A. Preliminary Approval

Application for preliminary approval shall be made by the landowner of the affected property or his/her authorized agent to the Building Department in accordance with such written general rules regarding general procedure, form of application, and required information as the planning commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall be accompanied by:

1. The preliminary master plan for the proposed planned unit development shall be a general concept which shall include such items as the planning commission by general rule shall specify in order to disclose:
 - a. The location and size of the area involved,
 - b. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas,
 - c. Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units,
 - d. Estimated population and density and extent of activities to be allocated to parts of the project.
 - e. Reservations for public uses including schools, parks and other open spaces,
 - f. Other major landscaping features, and
 - g. The general means of the disposition of sanitary wastes and storm water.
2. A tabulation of the land area to be devoted to various uses and activities and overall densities.

3. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
4. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
5. A stage development schedule, setting forth when the landowner intends to commence construction and a completion period.
6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

B. Zoning Amendment

After approval of the preliminary master plan, the planning commission shall recommend an amendment to the County Commission reclassifying the proposed PUD to the appropriate planned unit development district. If the County Commission approved the amendment, the landowner may submit a final master plan to the planning commission, and the planning commission is authorized to proceed with all future details of the project.

C. Application for Final Approval

Within one (1) year of the preliminary approval and rezoning of a planned unit development, the landowner may make application to the planning commission for final approval, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the planning commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the planning commission resolution of preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall also be submitted. When appropriate, this application shall contain the stated development schedule.

D. Final Approval of Stages

The application for final approval and the final approval by the planning commission may be limited to each stage as appropriate in a large planned unit development, in compliance with 6.020, D, above.

E. Final Master Development Plan of a Planned Unit Development

The final master plan of a planned unit development for the entire development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master development plan receiving preliminary approval plus the following:

The location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; character and location of signs; plans for street improvements; and grading and earth moving plans showing existing and proposed topography. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.

F. Amendments to the PUD

The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the planning commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following:

The landowner, the residents and/or owners of or in the PUD may apply to the planning commission for an amendment to the master plan. The planning commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD or any adjoining properties. Minor changes in the location, siting, and height of the buildings may be authorized by the planning commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Other changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change must be justified by changes in conditions or markets since the final plan was approved.

G. Subdivision Plat Required

A PUD may be subdivided and sold. When this is to be the case at the time of submission of the final master plan, a final subdivision plat shall also be submitted meeting the requirements for a final plat to be recorded in the office of the Cheatham County Registrar.

When the subdivision includes attached dwellings in either a horizontal or vertical relationship, the final plat shall also contain an "as-built" building and boundary survey showing the complete and accurate dimensions and angles of the boundary of the parcel(s) on which the unit is located. In a vertical relationship (for example a second floor apartment) the plat must contain a datum plane of other suitable location reference. In meeting this requirement it is necessary that the upper and lower limits of each level of each dwelling unit be identified specifically in relation to the vertical reference.

H. Building Reconstruction

In the event a building is substantially damaged or destroyed by fire or natural disaster, such building may be reconstructed in exact compliance with the approved master plan. No change in any dimension or location shall be permitted without an official amendment approved by the planning commission.

I. Zoning Considerations

When an area is submitted for PUD approval, the planning commission in its deliberations shall consider the character of the proposed development in relationship to the surrounding area. No such development shall be approved where the streets providing access cannot handle the additional traffic load or where the water system is incapable of meeting the fire flow requirements.

The development shall be so planned, designed, and constructed so as to avoid undue traffic congestion in the surrounding area and provide a satisfactory relationship of land use of the planned unit development with the surrounding area, making use of landscaping, screening, open space, and building placement where required and in keeping with accepted land planning principals.

6.040 RPUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICTS

A. Permitted Uses

Within an approved RPUD, the following uses and their accessory structures may be permitted by the planning commission as a part of the approval process:

1. Residential Activities

- a. Single Detached Dwellings
- b. Duplex Dwellings
- c. Multi-Family Dwellings

2. Community Facility Activities

- a. Community Assembly
- b. Cultural and Recreational Services
- c. Essential Services

3. Commercial Activities

In RPUDs of one hundred (100) acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed five (5) percent of the total acreage of the RPUD and no individual establishment shall exceed two thousand (2,000) square feet of gross floor area.

All such commercial areas shall meet the following additional requirements:

- a. Access from public streets shall be from arterial or collector streets as shown on the most recent major road plan.

- b. The building design shall be compatible with the remainder of the RPUD.
- c. No outside storage shall be permitted, and trash disposal facilities shall be completely enclosed by walls or materials that compliment all other buildings.
- d. Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained a minimum of fifteen (15) feet wide which shall not be used for parking and with only driveways crossing said yard. Permanently landscaped side and rear yards at least ten (10) feet wide shall also be maintained.
- e. All signs advertising the nature or names of the businesses shall be constructed flat against the walls of the building and shall not extend above or beyond any wall of the building. One such sign shall be permitted for each business located therein provided further that such sign shall not exceed thirty (30) square feet in size. All signs shall be either nonilluminated or any lighting must be indirect. Portable signs of any kind are prohibited.
- f. Any loading service area shall be in the rear of the building.
- g. The planning commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.

B. Dimensional Requirements

All RPUDs shall comply with the following area regulations:

1. Minimum Size

Five (5) acres.

2. Front Yard

- a. There shall be a front yard setback for all buildings thirty (30) feet.
- b. Where the RPUD fronts on a street with other houses on adjacent properties also fronting on such street which have front yards greater than thirty (30) feet, then no building shall be closer to the street line that the minimum setback established by the existing buildings.

3. Periphery Boundary

All buildings shall maintain a minimum setback from the peripheral boundary of the RPUD of not less than thirty (30) feet.

4. Other Yard Requirements

Within the boundary of the RPUD, no yard requirements are established. The planning commission shall specify internal yards as part of the approval of the final master plan based upon the type of buildings and nature of the PUD.

5. Lot Area and Frontage

In the case of detached dwellings no lot shall be approved with an area of less than eight thousand (8,000) square feet and a street frontage of less than seventy-five (75) feet at the building setback line.

6. Maximum Height of Buildings

No building shall exceed three (3) stories or thirty-five (35) feet in height.

C. Density of Development

The maximum overall density shall be specified in terms of the number of dwelling units per gross acres of the acreage of the entire development. The maximum density shall be as follows:

1. For a RPUD containing only single family detached dwellings - 4.35 dwelling units per acre.
2. For a RPUD containing multi-family dwellings or a combination of building types - 12 dwelling units per acre.

D. Required Improvements

All RPUDs shall comply with the schedule of improvements required in this section.

1. Internal Streets

Within any RPUD, streets may be public or private. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations for a paved street shall apply. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the Homeowners' Association. The following general specifications shall conform to the minimum standards.

- a. The base of streets shall consist of six (6) inches of crushed stone or gravel, compacted.
- b. The surface of all streets shall consist of hot plant mix asphalt or better materials, two (2) inches in depth, rolled and compacted.

c. Pavement widths shall be as follows:

Collector Street	24 ft.
Minor Street	20 ft.
One-Way Street	12 ft.

d. Dead-end streets shall be provided with adequate turn-around.

2. Off-Street Parking

All automobile storage areas shall be off-street with a minimum of two (2) spaces per dwelling unit. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the planning commission may require a variety of design and landscaping techniques to achieve this. Parking for other buildings shall be as defined in Section 4.010, of this resolution.

3. Utilities

The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the Cheatham County Health Department. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed at minimum of five hundred (500) feet apart except for areas of detached dwellings where the fire hydrants may be spaced so that no dwelling is farther than five hundred (500) feet away from such hydrant. Fire hydrants are to be placed in accordance with Section 3.120, of this resolution. **(Amended by Resolution 15, March 24, 2000)**

4 Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

5. Recreation and Open Space

Recreation uses provided as a part of a RPUD may include community buildings, swimming pools, golf courses, tennis courts, playgrounds, and similar activities. Where a RPUD includes multi-family buildings, recreation and open space is required. The amount of land established for permanent usable open space and recreational use shall be a minimum of fifteen (15) percent of the gross acreage.

6.050 CPUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICTS

A. Permitted Uses

Within an approved CPUD, the following uses and their accessory structures may be permitted by the planning commission as part of the approval process.

1. Commercial Activities
**Convenience Commercial
 Entertainment and Amusement
 Financial, Consultative, and Administrative Services
 Food and Beverage Services
 Food Service Drive-In
 General Business and Communication Services
 General Personal Services
 General Retail Trade
 Group Assembly
 Medical and Professional Services
 Transient Habitation**

2. Community Facility Activities
Essential Services

B. Dimensional Requirements

All CPUDs shall comply with the following area regulations:

1. Minimum Size

Two (2) acres.

2. Front Yard

The front setback for buildings shall be forty (40) feet with a permanently landscaped front yard of ten (10) feet exclusively of driveways.

3. Periphery Boundary

All buildings shall maintain a minimum setback from the peripheral boundary of the CPUD of not less than forty (40) feet. A minimum side and rear yard of ten (10) feet shall be maintained in a permanently landscaped manner.

4. Other Yard Requirements

Within the boundary of the CPUD other than the required yards above, no yard requirements are established. The planning commission shall specify internal yards as part of the approval of the final master plan based upon the type of buildings and nature of the CPUD.

5. Maximum Height of Buildings

No building shall exceed three (3) stories or thirty-five (35) feet in height.

6. Maximum Lot Coverage

The area occupied by all structures shall not exceed forty (40) percent of the total area of the CPUD.

C. Required Improvements

All CPUDs shall comply with the schedule of improvements regulated in this section.

1. Internal Streets

Within any CPUD, streets may be public or private. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations shall apply. Streets may be privately constructed and maintained by the landowner/developer subject to the following standards.

- a. The base of streets shall consist of six (6) inches of crushed stone or gravel, compacted.
- b. The surface of all streets shall consist of hot plant mix asphalt or better materials, two (2) inches in depth, rolled and compacted.
- c. Pavement widths shall be as follows:

Collector Street	24 ft.
Minor Street	20 ft.
One-Way Street	12 ft.

- d. Dead-end streets shall be provided with adequate turn-around space.

2. Off-Street Parking and Loading

The off-street parking and loading requirements contained in Sections 4.010 and 4.020, shall apply. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the planning commission may require a variety of design and landscaping techniques to achieve this.

3. Utilities

The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the Cheatham County Health Department. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed a maximum of one thousand (1,000) feet apart. Fire hydrants are to be placed in accordance with Section 3.120, of this resolution. **(Amended by Resolution 15, March 24, 2000)**

4. Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

Signs in CPUDs shall comply with the provisions contained in Section 4.080, of this resolution.

6. Landscaping

At least ten (10) percent of the total area of the CPUD shall be landscaped to enhance site appearance. Included in the ten (10) percent shall be the front, rear, and side yards of ten (10) feet around the periphery of the CPUD. Yards which directly abut agricultural or residential districts shall be buffered as provided in Section 3.110. The nature of the buffering shall be specified by the planning commission as part of the approval of the final

master plan, based on the type of buildings and the nature of the CPUD.

MIXED-USE ZONING DISTRICT ORDINANCE

The following zoning district provisions represent a commercial zoning classification that permits, rather than mandates, a vertical mix of commercial and residential uses within the same district. The district is intended to accommodate a physical pattern of development often found along village main streets and in neighborhood commercial areas of older cities.

The zoning applies solely to the Commercially Zoning areas adjacent to I-24 Exit 31 (Map Attached) and other areas approved for C-5 Zoning Designation by the Planning Commission and approved by the Cheatham County Commission.

6.060 - C-5, Neighborhood Commercial, Mixed-Use District (Adopted June 16, 2008)

101. Purpose

The purposes of the C-5, Neighborhood Commercial, Mixed-Use District are to:

- (1) Accommodate mixed-use development and buildings with neighborhood-serving retail, service, and residential uses;
- (2) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
- (3) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

102. Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

“Floor Area Ratio” means the ratio of a building’s gross floor area to the area of the lot on which the building is located.

“Gross Floor Area” is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use’s minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

“Mixed-use Building” means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

103. Allowed Uses

Uses are allowed in “C-5” zoning districts in accordance with the use table of this section.

USE GROUP	Zoning District
Use Category	C-5
Specific Use Type	
P= permitted by-right	C = conditional use
	N = Not allowed
RESIDENTIAL	
Household Living	
Live/Work Space located above the ground floor	P - C
Live/Work Space, ground floor	C-N
Dwelling Units located above the ground floor	C
Detached House	P
Multiunit (3+ units) Residential	N
Single-Room Occupancy	N
Townhouse	N
Duplex	N
Group Living	
Assisted Living	C
Group Home	N
Nursing Home	C
Temporary Overnight Shelter	N
Transitional Residences	N
Transitional Shelters	N
PUBLIC AND CIVIC	
Colleges and Universities	P
Cultural Exhibits and Libraries	P
Day Care	P
Hospital	P
Lodge or Private Club	C
Parks and Recreation	P
Postal Service	P
Public Safety Services	P
Religious Assembly	C
School	C
Utilities and Services, Minor	P
Utilities and Services, Major	N
COMMERCIAL	
Adult Use	N
Animal Services	
Shelter/Boarding Kennel	C
Sales and Grooming	P
Veterinary	P
Work or Sales Space	C
Drive-Through Facility [See comment]	P
Eating and Drinking Establishments	
Restaurant (Fast Food – Drive Thru)	C
Seated Service	P
Tavern (PRIMARILY FOOD)	C

USE GROUP	Zoning District
Use Category	C-5
Specific Use Type	
P= permitted by-right	C = conditional use N = Not allowed
Entertainment and Spectator Sports	
Small (1–149 seats)	C
Medium (150–999 seats)	C
Large (1,000+ seats)	C
Financial Services	C
Food and Beverage Retail Sales	P
Gas Stations	C
Lodging	
Small (1–16 guest rooms)	C
Large (17+ guest rooms)	C
Medical Service	P
Office	P
Parking, Commercial (Non-accessory)	C
Personal Service, including health clubs and gyms	C
Repair Service, Consumer, including bicycles	C
Residential Storage Warehouse	N
Retail Sales, General	C
Vehicle Sales, Service, and Repair	C
OTHER	
Wireless Communication Facilities (RETAIL SALES)	P
Co-located	C
Freestanding (Towers)	C

104. Commercial Establishment Size Limit

The gross floor area of commercial establishments in the C-5 district shall not exceed 10,000 square feet.

105. Indoor/Outdoor Operations

All permitted uses in the C-5 district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas.

106. Floor-to-Floor Heights and Floor Area of Ground-floor Space

(1) All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

(2) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

- (a) At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or
- (b) At least 20 percent of the lot area on lots with 50 feet of street frontage or more.

107. Lot Area per Unit (Density)

The minimum lot area per dwelling unit shall be 750 square feet for mixed-use buildings and 1,200 square feet for all other buildings.

108. Floor Area Ratio The maximum FAR shall be 2.0 for mixed-use buildings and 1.25 for all other buildings.

109. Setbacks

- (1) The entire building façade must abut front and street side property lines or be located within 10 feet of such property lines.
- (2) The minimum rear setback is 15 percent of the lot depth.
- (3) No interior side setbacks are required in the C-5 district, except when C-5 -zoned property abuts R-zoned property, in which case the minimum side setback required in the C-5 district shall be the same as required for a residential use on the abutting R-zoned lot.

110. Building Height

The maximum building height shall be 35 feet for mixed-use buildings and 35 feet for all other buildings.

111. O f f - S t r e e t P a r k i n g (1) Off-street

automobile storage or standing space shall be provided on each lot upon

which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (9' x 18' or 8' x 19') and such space shall be provided with vehicular access to a street or alley. All parking for commercial, or multi-family uses shall be covered with a dustless material and spaces lined and marked. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A.** **Single Detached Dwelling, Duplex and Mobile Homes:** Not less than two (2) spaces for each dwelling unit.
- B.** **Apartment, Townhouse, and Condominium:** Not less than two (2) spaces per dwelling unit.
- C.** **Boarding Houses and Rooming Houses:** Not less than one (1) space for each (1) room to be rented.
- D.** **Other Dwelling Units:** Not less than two (2) spaces per dwelling unit.
- E.** **Hotels, Motels and Other Tourist Accommodations:** Not less than one space for each room to be rented plus one (1) additional space for each two (2) employees.
- F.** **Any Auditorium, Church, Stadium, or Other Place of Public Assembly:** Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
- G.** **Office and Professional Buildings:** Not less than one (1) parking space for each two hundred-fifty (250) square feet of office space, or fraction thereof.
- I.** **Retail Sales and Service Establishments:** Not less than one (1) parking space for each two hundred (200) square feet, or fraction thereof, of floor space.
- J.** **Medical or Dental Clinic:** Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
- K.** **Service Stations:** Not less than five (5) spaces for each grease rack or service bay, or one (1) space for each fifteen hundred (1,500) square feet of lot area of fraction thereof, whichever is greater.
- L.** **Restaurants:** Not less than one (1) space per one hundred-fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each two (2) employees.
- M.** **Shopping Centers:** Five and one-half (5 1/2) parking spaces for each one

thousand (1,000) square feet of gross floor area.

N. Other Structures or Uses Customarily Requiring Automobile Storage

Areas: For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

Certification of Minimum Parking Requirement

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

Combination of Required Parking Spaces

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

Requirements for Design of Parking Lots

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090, of this resolution.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- E. A parking lot for multi-family residential or commercial uses shall be suitably paved with an all weather wearing surface or dustless material. All paving must be completed within three (3) months after completion or issuance of a temporary occupancy permit.

(2) No off-street parking is required for nonresidential uses in C-5 districts unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 3,000 square feet.

(3) Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

112. Transparency

(1) A minimum of 60 percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas.

(2) The bottom of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than 3 feet above the adjacent sidewalk.

(3) Product display windows used to satisfy these requirements must have a minimum height of 4 feet and be internally lighted.

113. Doors and Entrances

(1) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(2) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

114. Vehicle and Driveway Access No curb

cuts are allowed for lots that abut alleys.

ARTICLE VII
EXCEPTIONS AND MODIFICATIONS

SECTION

- 7.010 Scope
- 7.020 Nonconforming Uses
- 7.030 Exceptions to Height Limitations
- 7.040 Lots of Record
- 7.050 Exceptions to Front Setback Requirements
- 7.060 Absolute Minimum Lot Size

7.010 SCOPE

Article VII, of this resolution, is devoted to providing for the necessary exceptions and modifications to the supplementary and specific zoning district provisions provided in Article IV Article V, respectively.

7.020 NONCONFORMING USES

It is the intent of this resolution to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this resolution is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this resolution. It is also the intent of this resolution to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this resolution or any amendment thereto shall be allowed to remain subject to the following provisions:

- A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board may require in order to protect the area.
- B. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this resolution. A nonconforming use of a building or buildings shall not be enlarged to additional land after the effective date of this resolution.
- C. When a nonconforming use of any structure or land has been discontinued for a period of six (6) months, it shall not be reestablished or changed to any use not in conformity with the provision of this resolution. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home park, the nonconformity

of such structure and use of land shall lapse. This provision shall not apply when the structural condition of a mobile home is such that replacement of another mobile home alleviates an unsafe and unsanitary living environment, as certified by a Building Official.

- D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair market value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this resolution.
- E. Any nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this resolution. These provisions shall not be construed to prevent normal maintenance and repairs, or alterations required for structural safety.

7.030 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this resolution shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, silos and aerials.

7.040 LOTS OF RECORD

The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this resolution does not own sufficient land to enable him to conform to the yard or other requirements of this resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this resolution. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as possible.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this resolution, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

7.050 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS

The front setback requirement of this resolution for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

7.060 ABSOLUTE MINIMUM LOT SIZE

In no case shall the Director of the Cheatham County Building Department or the Cheatham County Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than seventy-five (75) feet and/or whose total lot area is less than seventy five hundred (7,500) square feet.

ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT

SECTION

- 8.010 Administration of the Resolution
- 8.020 The Enforcement Officer
- 8.030 Zoning Compliance Permit (Building Permits)
- 8.040 Temporary Use Permits
- 8.050 County Board of Zoning Appeals
- 8.060 Variances
- 8.070 Procedure for Authorizing Special Exceptions
- 8.080 Amendments to the Resolution
- 8.090 Penalties
- 8.100 Remedies
- 8.110 Validity
- 8.120 Interpretation
- 8.130 Effective date

8.010 ADMINISTRATION OF THE RESOLUTION

Except as otherwise provided, no structure or land shall after the effective date of this resolution be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

8.020 THE ENFORCEMENT OFFICER

The provision of this resolution shall be administered by the Cheatham County Community Planner in concert with the Director of the Building Department who shall enforce this resolution, in addition, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.

- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances, special exceptions or other matters on which the Board is required to act under the provisions of this resolution.
- F. Receive, file and forward to the planning commission all matters on which the planning commission is required to act under this resolution.
- G. Conduct inspections as required in this resolution and such other inspections as are necessary to insure compliance with the various other general provisions of this resolution. A Building Official shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

8.030 ZONING COMPLIANCE PERMIT (BUILDING PERMITS)

This resolution 8 section 8.030, A, amended on October 19, 2009

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including expansion, including accessory structures, to use a building or structure, or to commence the filling of land without a permit therefore, issued by the Building Department.

No Building Permit shall be issued by the Building Department except in conformity with the provisions of this resolution, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this resolution.

A. Requirements and Application for a Building Permit

A Building Permit shall be required for the construction or placement of any structure under roof. The first Accessory Structure on a parcel of property is excluded from this requirement if the Accessory Structure does not exceed two hundred (200) square feet. All swimming pools require a Building Permit. The construction or alteration of any structure that affects any framing, plumbing, HVAC, or electrical system requires a Building Permit. Nothing in this section shall waive any other law(s) or code(s) requiring a Building Permit.

Application for a Building Permit shall be made in writing to the Building Department on forms provided for that purpose. Applications for Building Permits will be accepted only from persons having legal authority to take action in accordance with the permit. In general, this means that the application should be made by the owners or leases of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this resolution, or the agents of such persons. The Building Department may require an applicant to submit evidence of his authority to submit the application for a building permit whenever there appears to be a reasonable basis for questioning this authority.

All applications shall be complete before the Building Department is required to consider the application. All applications must contain construction drawings in a scale adequate to determine compliance with all the requirements of this resolution, and the applicant must provide a detailed list of construction materials and other information deemed necessary by the Building Department in order to provide sufficient information to allow the Building Department to evaluate the application in light of the requirements set forth in this resolution.

The remainder of Section 8.030 of the Zoning Resolution for Cheatham County, Tennessee shall remain unchanged.

B. Site Plan Requirements

Site plans shall be required for multi-family residential developments, commercial and industrial developments and all special exceptions. Mobile home parks shall submit a site plan as required in Section 4.090. The Planning Commission shall be the reviewing agency for all permitted uses and the Board of Zoning Appeals shall be the reviewing agency for all special exceptions. There are provisions for Special Exceptions in Section 8.070. The following requirements are intended to promote good site development and ensure that multi-family residential, commercial, industrial, and special exceptions comply with the provisions of this resolution. Any approval of a site plan shall cease to be effective one (1) year after the date of the approval if a building permit has not been issued or unless the site is reapproved. The planning commission shall permit the Community Planner to waive site plan requirements under the following conditions as follows:

1. The proposed development is an addition or an accessory structure on a site previously approved by the Planning Commission provided that the structure does not exceed five hundred (500) square feet.
2. The proposed development is an addition or an accessory structure on a site in existence prior to the adoption of the zoning resolution provided the structure does not exceed five hundred (500) square feet.

C. Review Procedure

Twelve (12) copies of the required site plan shall be submitted to the Cheatham County Community Planner and Planning Commission or for the Special Exceptions seven copies of the required site plan to the Board of Zoning Appeals at least ten (10) days in advance of the meeting at which it is to be reviewed. Three (3) copies of construction plan blue prints shall be submitted to the building inspector for his review. The Planning Commission or the Board of Zoning Appeals shall review the site plan for compliance with the site plan requirements set forth in this resolution and all other requirements. Incomplete information shall result in the site plan being returned to the applicant without action. The following information shall be required:

1. General location sketch map at a scale not smaller than 1"=2,000', showing:

- a. The approximate boundaries of the site.
 - b. External public access streets or roads in relation to the site.
 - c. Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
 - d. Any public water and sewer systems in relation to site.
2. Site plan drawn at a scale no smaller than 1"=200' showing:
- a. The actual shape, location, and dimensions of the lot.
 - b. The shape, size, and location of all buildings or other structures already on the lot.
 - c. The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
 - d. Topographic features, both existing and proposed, with contours at a vertical interval no greater than five (5) feet.
 - e. Location of all driveways and entrances.
 - f. Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
 - g. Location of all accessory off-street loading berths.
 - h. Location of open space.
 - i. Proposed ground coverage, floor area, and building heights.
 - j. Position of fences and walls to be utilized for screening (materials specified).
 - k. Position of screen planting (type of planting specified).
 - l. Proposed means of surface drainage, including all drainage ways and facilities.
 - m. Location of all easements and rights-of-way.
 - n. Location of areas subject to flooding.
 - o. Location and size of all utilities including all fire hydrants.
 - p. Location, type, and size of proposed signs.
 - q. Vegetation.
 - i. Appropriate location of tree masses and natural hedgerows.

- ii. General description of the principal species of trees and range of sizes with tree masses.
 - iii. Appropriate location and identification of trees fifteen (15) inches in caliper or larger.
 - r. Identification of slopes twelve (12) to twenty (20) percent and twenty (20) percent or greater and identification of soils on slopes.
3. The planning commission as the reviewing body may:
- a. Recommend approval of the plan as submitted to the Community Planner
 - b. Recommend disapproval of the plan.
 - c. Recommend approval of the plan with conditions or recommendations for alterations.

If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

D. Fee

The Cheatham County Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the Building Department. Only the County Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

E. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this resolution, the Building Department shall issue a Building Permit for such excavation or construction. If an application for a Building permit is not approved, the Director of the Building Department shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this resolution.

F. Construction Progress

Any Building Permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

G. Issuance of Certificate of Occupancy

1. No such land or building or part thereof hereafter erected or altered in its use or structure shall be used or occupied until the building official shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this resolution.
2. Within three (3) days after notification that a building or premise or part thereof is ready for occupancy or use, it shall be the duty of the building official to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this resolution; or, if such certificate is refused, the Director of the Building Department shall state refusal in writing with the cause.

8.040 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the County Building Department as provided for in Article IV, Section 4.030, of this resolution. Application for a Temporary Use Permit shall be made in writing to the Building Department on the form provided for that purpose.

8.050 COUNTY BOARD OF ZONING APPEALS

Amended Resolution 8, section 8.050, B, Regarding Appeals to the Board of Zoning Appeals, August 17, 2009.

A Cheatham County Board of Zoning Appeals (hereafter referred to as the Board) is hereby established in accordance with 13-7-106 through 13-7-109 of the Tennessee Code, the Cheatham County Board of Zoning Appeals shall consist of five (5) members. The County Commission shall appoint members and may fix their compensation and their terms, which shall be so arranged that the term of one (1) member will expire each year. The County Commission may remove any member upon cause. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment.

A. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the citing chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon. The records and minutes shall be filed in the office of the Building Department and shall be a public record.

B. Appeals to the Board

An appeal to the Cheatham County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any government office, department, board, or bureau affected by any

decision of the Director of the Building Department or other administrative official based in whole or in part upon the provisions of this resolution. Such appeal may be taken by timely filing with the Board of Zoning Appeals a notice of appeal identifying the specific grounds thereof. Effective the 17th day of August 2009, said notice of appeal must be filed with the Board of Zoning Appeals within sixty (60) days of the date of written notice to the appellant of the action or decision for which the appeal is sought; or, before the filing deadline for the next regularly scheduled meeting of the Board of Zoning Appeals following the appellant's written notice of the action or decision for which the appeal is sought, whichever is later. Said written notice to the appellant shall contain language adequately notifying the appellant of the right to appeal the action or decision to the Board of Zoning Appeals. Said written notice also shall contain language adequately notifying the appellant of the deadline by which the notice of appeal must be filed. The failure to file a notice of appeal with the Board of Zoning Appeals in compliance with this deadline shall result in the appeal not being heard. The Director of the Building Department shall accept any timely filed notice of appeal and shall transmit to the Board of Zoning Appeals all papers constituting the record of the action or decision upon which a timely appeal is taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of timely appeals, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing of timely filed appeal, any person or party may appear in person, by agent, or by attorney.

C. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

—
To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Director of the Building Department or other administrative official in the carrying out of enforcement of any provision of this resolution.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this resolution, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances

To hear and decide applications for variances from the terms of this resolution.

D. Rules and Regulations of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

1. The presence of three (3) members of the Board shall constitute a quorum and the concurring vote of at least three (3) members of the Board shall be necessary to deny or grant any application before the Board.

2. No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Cheatham County at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the Board that

could not have been reasonably presented in a public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.

Every application for a hearing before the Board of Zoning Appeals shall pay a fee of one hundred dollars (\$100.00) to assist in covering the cost of review and processing each case. The applicant shall also be responsible for obtaining a notification sign from the Planning Office and placing it on the property fifteen (15) days prior to the hearing by the Board of Appeals. This sign shall be furnished to the applicant at a cost of ten dollars (\$10.00). **(Added Paragraph by Resolution 10, October 18, 1999)**

The public notification signs shall be those furnished by or approved by the Director of the Cheatham County Building Department. The signs shall be of adequate size and design (no smaller than three feet by two feet (3' x 2')) and shall be clearly visible and legible to passing motorists. The signs shall at least specify the time, date and location of the scheduled public hearing on the proposed zoning district change. The signs shall also contain a description of the proposed change and the telephone number of the County Office where additional information can be obtained. One (1) public notification sign shall be posted along each three hundred (300) feet of each public street or road right-of-way adjoining property. If the property is accessed by easement, then one (1) sign shall be posted at the location where each easement attaches to a public street on road right-of-way and be positioned in a manner to best inform the motoring public without creating a safety hazard. Any property line of the subject property which fronts upon any public street or road shall be clearly flagged or marked at the time the public notification sign is posted. **(Added Paragraph by Resolution 9, January 17, 2005)**

Be it additionally resolved that the applicant shall pay Cheatham County for all cost associated with a zone change or application for appeal to the Cheatham County Zoning Appeals Board with the exception of the cost of advertisements posted in local newspapers regarding said matters. **(Added Paragraph by Resolution 9, January 17, 2005)**

3. The Board may call upon any other office or agency of the county government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
4. The Regional Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
5. Any officer, agency, or department of the county or other aggrieved

party may appeal any decision of the Board to a court of competent jurisdiction as provide-d for by State law.

6. Any decision made by the Board on a special exception shall indicate the specific section of this resolution under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.
7. Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.
8. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

E. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Director of the Building Department certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Director of the Building Department, and on due cause shown.

F. Liability of Board Members, Director, Building Department, and Employees

Any board member, building official or other employee charged with the enforcement of this resolution, acting for Cheatham County within the scope of the responsibilities assigned him under this resolution shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the county of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, building official, or employee charged with the enforcement of any provision of this resolution shall be defended by legal representatives furnished by the county until the final termination of such proceedings.

G. Right of Entry upon Land

Upon notice to property owners, the Board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this resolution.

H. Rehearings

1. No rehearing of the decision by the Board shall be had except:
 - a. On motion to reconsider the vote; or
 - b. On a written request for a hearing.
2. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may, by resolution in each case, stipulate.
3. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.

4. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

8.060 VARIANCES

The purpose of this procedure is to modify the strict application of the specific requirements of this resolution in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this resolution.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Hearing

Upon receipt of an application the Board shall hold a hearing to decide whether a variance to the resolution provisions is, in fact, necessary to relieve unnecessary hardship. The Board shall consider and decide all

applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below. A fee shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Standards for Variances

The Board shall not grant a variance except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this resolution were carried out must be stated.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other land structures, or buildings in the same district.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities otherwise excluded from the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this resolution.
8. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this resolution.

D. Restrictions and Variances

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Under no circumstances shall the Board of Appeals grant a variance to allow a "**USE**" not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district.
3. The Board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in 8.060, C, above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this resolution. The Board may establish expiration dates as a condition or as a part of any variances.

8.070 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed use as a special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this resolution or whether a review is requested by the Building Department to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application including a site plan shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require. Said site plan shall comply with the regulations set forth in Section 8.030, B, and Section 8.030, C.

B. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this resolution.

C. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

D. Time Limit

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

E. General Requirements

A special exception shall be granted provided the Board finds that the activity:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
2. Will not adversely affect other property in the area in which it is located.
3. Is within the provision of "Special Exceptions" as set forth in this resolution.
4. Conforms to all applicable provisions of this resolution for the district in which it is to be located and is necessary for public convenience at that location.

F. Special Exceptions Appeals

Any person or agency of the county government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this article shall be final, and subject to review only for illegality or want of jurisdiction. A fee shall be charged to cover review and processing of each application for a special exception.

G. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

1. Special Conditions for Administrative Services
 - a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
 - b. All lot, yard, and bulk regulations of the zone district shall apply.
 - c. Appropriate off-street parking requirements shall apply.

d. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.

2. Day Care Centers

For purposes of this resolution day care facilities are classified into two types as defined below:

Day Care Home - includes day care in an occupied residence of not more than seven (7) children including children living in the home.

Day Care Center - includes day care for more than seven (7) preteenage children in any kind of building.

a. DayCare Home

The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.

All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.

All requirements of the State of Tennessee that pertain to the use shall be met.

An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

b. DayCare Center

No such facility shall be permitted on a lot unless such lot contains at least one (1) acre.

3. Special Conditions for All Other Personal and Group Care Activities

a. No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.

b. All bulk regulations of the district shall be met.

- c. The requirements of the accessory off-street parking regulations of this resolution shall apply.
- d. All regulations of the State of Tennessee shall be met.
- e. All public utilities and sewage disposal shall be available and connected to the site.

4. Special Conditions for Community Assembly

- a. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
- b. All bulk regulations of the zone district shall apply.
- c. Off-Street Parking
 - i. For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
 - ii. For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
- d. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- e. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- f. All public utilities and sewage disposal shall be available and connected to the site.

5. Special Conditions for Cultural and Recreational Services

- a. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- b. All bulk regulations of the district shall apply.

- c. The off-street parking requirements of this resolution shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.

The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.

6. Special Conditions for Community Education

- a. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- b. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
- c. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- d. The off-street parking requirements of this resolution shall apply.

7. Special Conditions for Intermediate Impact

- a. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.
- c. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- d. The off-street parking requirements shall be determined by the Board taking into account characteristics of the use.

8. Special Conditions for Religious Facilities

- a. No such facilities shall be permitted on a zone lot unless it contains one (1) acre.
- b. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- c. All bulk regulations of the district shall be met.
- d. The off-street parking requirements of this resolution shall apply.

H. Specific Standards for Commercial Activities

A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

1. Special Conditions for Group Assembly Activities

- a. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- d. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
 - i. The minimum size site shall be twenty-five (25) acres.
 - ii. The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.
 - iii. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.

- iv. Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
- v. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
- vi. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
- vii. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
- viii. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.

2. Special Conditions for Adult Entertainment Business **(Added by Resolution 10, February 19, 2001)**

- a. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) of any church, school ground, college campus, park, or private residents. **(Amended by Resolution 14, May 21, 2001)**
- b. All establishments shall be located at least five hundred (500) feet (measured property line to property line) from any other adult entertainment business.
- c. No establishment shall be located within two thousand (2,000) feet location line is applied to all residents, in addition to the other locations listed. **(Amended by Resolution 15, May 21, 2001)**
- d. Be in compliance with all provisions of the Tennessee Code, Sections 7-51-1101 through 7-51-1121.

3. Commercial Campgrounds and Recreational Vehicle Parks
(Added by Resolution 4, October 24, 2005)

a. Application

- i. These provisions apply to any campground or recreational vehicle park constructed or established after the adoption of these regulations and to any additional construction on an existing campground or recreational vehicle park and to any alteration to the layout of an existing campground or recreational vehicle park.
- ii. Where the construction or layout of an existing campground or recreational vehicle park does not conform to the provisions of these regulations, no person shall carry out additional construction or make an alteration to the layout of the campground or recreational vehicle park which would extend the nonconformity.

b. Campground and Recreational Vehicle Park Approval Permit

i. Permit Required

No person shall establish, construct, or alter a campground or recreational vehicle park unless plans and specifications have been approved by the Cheatham County Board of Zoning Appeals as per Cheatham County Zoning Resolution, Article VIII, Section 8.070.

ii. Application

All applications for final approval of plans and specifications for a campground or recreational vehicle park shall be made in writing to the Inspector and shall contain information as per Cheatham County Zoning Resolution, Article VIII, Section 8.030, B and C.

The following additional information shall be shown on all site plans for Campground and Recreational Vehicle Parks:

- (a) The number, location, dimensions, and designation of all recreational vehicle spaces or camping spaces, and location and dimensions of all roadways, parking areas, accessory residential use, and common amenity areas;

- (b) The dimensions and locations of all accessory buildings and other structures;
- (c) Plan and profile drawings for sanitary sewers, showing details of the on-site sanitary sewer system and connection to the publicly-owned system;
- (d) The location and details of all on-site garbage and refuse disposal areas;
- (e) All watercourses adjacent to the proposed campground or recreational vehicle park;
- (f) The location of all proposed fire pits;
- (g) The Building Official may require the applicant to provide additional information deemed necessary as follows:
 - (i) A professional engineer's report on (1) the effect on soil stability of disturbing natural grade or natural vegetation by developing, using or occupying the land; (2) ground water levels and conditions for as much of the year as is considered necessary; (3) the depth and extent of flooding and the likely frequency of it occurring;
 - (ii) Profiles of every new roadway shown on the plan and such topographical details as may indicate any engineering problems to be dealt with in the construction of roadways shown on the plan.
 - (iii) Sanitary sewer design calculations and a plan outlining all areas included in the calculations.
 - (iv) Storm Sewer calculations and a plan outlining all areas included in the drainage calculations.

c. Campground and Recreational Vehicle Park Design and Layout Standards

i. Access and Roadways

- (a) The internal road system located within the boundaries of a campground or recreational vehicle park shall provide access to a public

street. In the case of a recreational vehicle park having in excess of one hundred (100) recreational vehicle spaces, the internal road system should provide access to a public street at not less than two (2) points, unless, in the opinion of the Board of Zoning Appeals, two (2) access roads are not needed.

- (b) Where access to a highway is gated, egress from a campground or recreational vehicle park by its occupants at any time shall be ensured by the owner.
- (c) All campground and recreational vehicle spaces, storage areas, amenity areas, principal buildings, accessory buildings and all other facilities shall have access by an internal roadway only.
- (d) Roadways in a recreational vehicle park shall be constructed to County Standards and have the following dimensions:
 - (i) All two-lane roadways shall have a minimum paved width of twenty (20) feet.
 - (ii) All other roadways shall have a minimum paved width of twelve (12) feet.
 - (iii) Dead end roadways shall have a hammerhead turnaround or cul-de-sac with a turning circle minimum radius of forty (40) feet (paved surface) and shall not exceed three hundred (300) feet in length.
 - (iv) Roadways shall be adapted to the topography and shall have a maximum gradient of twelve (12) percent on access roadways and fifteen (15) percent on all other roadways.
 - (v) All roadways shall be well drained and maintained.
 - (vi) Internal roadway intersections shall be at right angles. Offsets at intersections and intersections of more than two (2) roadways at one (1) point shall not be permitted.

d. Servicing Standards

i. Water Supply

- (a) The owner of a campground or recreational vehicle park shall provide a potable water distribution system connected to the public water system.
- (b) Notwithstanding the above standard, the owner of a campground or recreational vehicle park containing twenty-five (25) or less camping or recreational vehicle spaces may provide potable water by means of a private water distribution system subject to approval by the Health Department.
- (c) The water distribution system shall be designed by a professional engineer and constructed in accordance with the county's current Engineering Standards and Specifications.
- (d) Where a campground or recreational vehicle park is connected to the public water system, potable water shall be distributed to: Service Buildings, Accessory Use Buildings, and Standpipes and Hydrants.
- (e) No camping or recreational vehicle space without an individual water connection shall be located more than two hundred (200) feet from a water standpipe.
- (f) All water outlets shall be provided with a suitable receptacle for adequate drainage and shall be provided with an adequate backflow preventor or anti-syphonage device.

ii. Fire Protection

Where a campground or recreational vehicle park is connected to the public water system, fire hydrants meeting the requirements of the County shall be installed and connected to the internal water supply such that no recreational vehicle or camping space is beyond five hundred (500) feet from a fire hydrant, as measured along the internal and/or external roadway system.

iii. Sewage Disposal

- (a) The owner of a campground or recreational vehicle park shall provide for the disposal of all wastewater and all human excretion generated within the campground or recreational vehicle park by causing all sewage and wastewater to be discharged into a public sewer system.
- (b) Notwithstanding the above standard, the owner of a campground or recreational vehicle park containing twenty-five (25) or less camping or recreational vehicle spaces may provide for the disposal of all waste water and all human excretion generated within the campground or recreational vehicle park by causing all sewage and waste water to be discharged into a private sewage disposal system subject to approval by the Health Department.
- (c) The on-site sewage collection system shall be designed by a professional engineer in accordance with the county's current Engineering Standards and Specifications.
- (d) A recreational vehicle space in a recreational vehicle park may be serviced by an individual sewer connection. The sewer connection shall be provided with a suitable fitting so that a watertight connection can be made between the trailer drain and the sewer connection. The connection shall be so constructed that it can be closed when not linked to a recreational vehicle to prevent escape of odors.
- (e) A camping space in a campground shall not be serviced by an individual sewer connection.

iv. Sewage-Disposal Station

- (a) The owner of a campground or recreational vehicle park shall provide a sewage-disposal station conveniently located off a roadway and with adequate access and egress for recreational vehicles up to thirty-six (36) feet in length where a campground or recreational vehicle park contains camping or recreational vehicle spaces intended for recreational vehicle use without direct connection to a private sewage disposal or public sewer system.

- (b) The owner of a campground or recreational vehicle park shall prohibit the discharge of sewage or liquid wastes onto the ground by any user of the campground or recreational vehicle park.

v. Storm Sewer

- (a) The owner of a recreational vehicle park shall provide for the disposal of all storm water by a storm sewer system designed by a professional engineer. The storm sewer shall allow for drainage of:
 - (i) Each recreational vehicle space;
 - (ii) Accessory use buildings; and
 - (iii) Amenity areas.
- (b) The owner of a campground shall provide for the disposal of storm water in accordance with good engineering practice.

vi. Service Buildings

- (a) Where a campground or recreational vehicle park is connected to the public water system and the public sewer system, the campground or recreational vehicle park shall contain at least one (1) service building equipped with facilities as required in this section.
- (b) Services buildings shall:
 - (i) Be located not less than fifteen (15) feet and not more than five hundred (500) feet from any recreational vehicle space or camping space not serviced with a sewer and water connection.
 - (ii) Be of permanent construction and adequately illuminated for the use at night.
 - (iii) Have walls, floors and partitions that can be easily cleaned.
 - (iv) Have all rooms well ventilated, with all openings effectively screened.

(c) Service facilities shall include:

- (i) Laundry facilities in the ratio of one (1) laundry unit for every thirty (30) camping or recreational vehicle space and shall be in a separate room of a service building or in a separate building.
- (ii) The minimum number of required toilets, urinals, washbasins and showers shall be provided as set out in the following table:

Number of camping spaces/RV spaces without direct sewer and water connections.	Toilets		Urinals	Lavatories		Showers	
	Male	Female	Male	Male	Female	Male	Female
1-15	1	1	0	1	1	1	1
16-30	1	2	1	2	2	1	1
31-45	2	2	1	3	3	1	1
46-60	2	3	2	3	3	2	2
61-80	3	4	2	4	4	2	2
81-100	4	5	2	4	4	3	3

*** In the absence of urinals, the ratio of toilets for men and women shall be the same.**

- (iii) For recreational vehicle parks having more than one hundred (100) recreational vehicle spaces without having direct sewer and water connections, or a campground having more than one hundred (100) camping spaces, there shall be provided one (1) additional toilet and washbasin per sex for each additional twenty-five (25) camping or recreational vehicle spaces; one (1) additional shower per sex for each additional forty (40) camping or recreational vehicle spaces.
- (iv) Toilet tissue and covered, fire-resistant waste containers shall be provided.
- (v) Service facilities with toilet, bathing, and lavatory facilities shall be provided for motor homes, travel trailers, truck campers, and tent campers which do not have sewage holding tanks.

- (vi) Primitive camps and camps offering services to recreational or similar vehicles (e.g., motor homes and travel trailers) with sewage holding tanks only are exempt from the restroom and/or bathing facility requirements.

vii. Street Lighting

- (a) Within a recreational vehicle park, street lighting shall be provided and designed by a professional engineer in accordance with good engineering practice to ensure the safety of vehicular and pedestrian traffic and so arranged as to reflect light away from recreational vehicle spaces.
- (b) Street lighting shall be installed and maintained to adequately illuminate the traveled portion of the roadway at the intersection of access roadways and highways.

viii. Garbage

The owner of a campground or recreational vehicle park shall:

- (a) Provide within one hundred (100) feet of each camping or recreational vehicle space a container that is durable, fly-tight, watertight and animal-proof for the disposal of all garbage.
- (b) Maintain the containers so that they shall not become foul smelling, unsightly, unsafe or breeding places for insects and rodents.
- (c) Provide for the collection and disposal of all garbage and refuse at least one (1) time per week. All such material shall be collected and transported to an approved disposal site.

e. Design Standards

- (i) Each camping or recreational vehicle space shall be clearly identified by a numbered sign or similar designation.
- (ii) Each camping or recreational vehicle space shall have a minimum setback of twenty-five (25) feet from any public road.

- (iii) Each camping or recreational vehicle space shall contain at a minimum: one (1) enclosed fire pit and one (1) parking space.
- (iv) Each camping or recreational vehicle space shall contain a minimum of thirty-two hundred (3,200) square feet. (A space shall consist of vehicle or tent space, parking space and fire pit)
- (v) Each campground or recreational vehicle park shall provide a vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-ways and neighboring properties.
- (vi) Each campground or recreational vehicle park shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas.

f. Supervision

- (i) The owner of a campground or recreational vehicle park shall maintain the campground or recreational vehicle park in a clean, safe and sanitary condition.
- (ii) The owner of a campground or recreational vehicle park shall maintain a register for a period of one (1) year at the facility. Such register shall contain each camper's name, address, telephone number, and camping dates.

I. Specific Standards for Manufacturing and Nonmanufacturing Activities in Industrial Districts

A special exception permit shall not be granted unless the standards below are met:

1. The manufacturing activity takes place in completely enclosed buildings. Outdoor storage of materials and finished products shall be screened and buffered.
2. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
3. No such facility shall be located on a lot unless such lot contains at least one (1) acre.
4. State permits for air pollution standards and emissions must be obtained and kept up to date.

8.080 AMENDMENTS TO THE RESOLUTION

The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or repealed by the Cheatham County Commission. Any member of the County Commission may introduce such legislation, or any official, board, or any other person may present a petition to the County Commission requesting an amendment or amendments to this resolution.

No amendment to this resolution shall become effective unless it is first submitted to the Cheatham County Regional Planning Commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its recommendation to the county commission. If the planning commission disapproves the amendment, it shall require the favorable vote of a majority of the county commission to become effective. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the county commission.

Before finally adopting any such amendment, the county commission shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county.

A fee, as set by the Cheatham County Commission shall be due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning resolution. The fee is to be used by Cheatham County to defray costs resulting from such petition and any subsequent amendment of the zoning resolution.

8.081 Application for Rezoning

A proposed change of zoning district boundaries shall be initiated by the filings of an application with the Cheatham County Planning Commission. Said application shall contain:

1. The name and address of the owner and/or owners of the subject property, and the written certification of the authorized agent.
2. A written legal description of the subject property including the Cheatham County Tax Plat number and acreage.
3. A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.
4. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.

5. Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information.
 - a. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
 - b. Dimensions in feet of property to be rezoned.
 - c. All roads and easements within or adjoining property to be rezoned.
 - d. Location, size, type and current use of any building on the property requested for rezoning.
 - e. Location of the adjoining property owners in relation to the property to be rezoned.
6. Payment of a fee of one hundred dollars (\$100.00) to defray the administrative cost of amending the rezoning resolution. **(Added 6, by Resolution 10, October 18, 1999)**
7. Any applicant for a change in a zoning district boundary shall be required to place and maintain a notification sign in accordance with the following provisions: **(Amended 7, by Resolution 9, January 17, 2005)**
 - a. Public notification signs shall be posted and maintained on the property which is the subject of the proposed zoning district change for at least fifteen (15) days prior to the public hearing on the zoning boundary change and shall remain until final action of the County Commission or the application is withdrawn.
 - b. The public notification signs shall be those furnished by or approved by the Director of the Cheatham County Building Department. The Director or other designated employee shall collect a fee of ten dollars (\$10.00) for each sign furnished. The signs shall be of adequate size and design (no smaller than three feet by two feet (3' x 2')) and shall be clearly visible and legible to passing motorists. The signs shall at least specify the time, date and location of the scheduled public hearing on the proposed zoning district change. The signs shall also contain a description of the proposed change and the telephone number of the County Office where additional information can be obtained.
 - c. One (1) public notification sign shall be posted along each three hundred (300) feet of each public street or road right-of-way adjoining property. If the property is accessed by easement, then one (1) sign shall be posted at the location where each easement attaches to a public street on road right-of-way. The signs shall be posted within ten (10) feet of the public street on road right-of-way and be positioned in a manner to best inform the motoring public without creating a safety hazard.

- d. Any property line of the subject property which fronts upon any public street or road shall be clearly flagged or marked at the time the public notification sign is posted.
8. If the zoning district boundary change is one which was initiated by the Cheatham County Planning Commission and the change effects more than two contiguous separately owned tracts of property, then the notification signage requirements contained in Paragraph 8.081, 7, shall apply. **(Amended 8, by Resolution 9, January 17, 2005)**

8.090 PENALTIES

Any persons violating any provisions of this resolution shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violations continue shall constitute a separate offense.

8.100 REMEDIES

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this resolution, the Director of the Building Department or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

8.110 VALIDITY

Should any section, clause, or provision of this resolution be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this resolution as a whole or any other part of this resolution be judged invalid or unconstitutional.

8.120 INTERPRETATION

Whenever the conditions of this resolution are less restrictive than comparable conditions imposed by any other provision of this resolution or any other resolution, the provisions which are more restrictive shall govern.

8.130 EFFECTIVE DATE

This resolution shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Cheatham County Regional Planning Commission.

December 6, 1990
Date

Elmer Dunn
Chairman, Cheatham County
Regional Planning Commission

Approved and adopted by the County Commission of Cheatham County, Tennessee.

January 21, 1991
Date Adopted

March 1, 1991
Effective Date

Linda S. Fizer

County Executive, Cheatham County

Public Hearing Date: January 21, 1991

ATTESTED BY:

W.J. Hall
Cheatham County Clerk

February 8, 1991
Date

iv.

9.