Rutherford County Zoning Ordinance

Effective January 1, 2013

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CHAPTER 1
PURPOSE AND APPLICABILITY

Sections:

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

101 Title
This document shall be known as the Rutherford County Zoning Ordinance.

102 Purpose and Authority
This ordinance is enacted pursuant to Title 13 of Tennessee Code Annotated for the following purposes:

A. To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;

B. To implement the county's land use and major road plan.

C. To divide the county into zones and districts to restrict and regulate the location, building lines, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing, and other specified uses;

D. To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the county, and to promote the orderly and beneficial development of such areas;

E. To provide adequate light, air, privacy, and convenience of access to property;

F. To regulate open spaces surrounding buildings that are necessary to provide adequate light and air and protect the public health;

G. To fix reasonable standards to which buildings or structures shall conform;

H. To prohibit uses, buildings or structures, which are incompatible with the character of development or the permitted uses within specified zoning districts;

I. To prevent such additions to, and alterations or remodeling of, existing buildings or structures that would not comply with the restrictions and limitations imposed hereunder;

J. To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;

K. To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;

L. To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;

M. To conserve the value of land and the buildings thereon throughout the county;

N. To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of this ordinance and which adversely affect the development and taxable value of property in each district;

O. To define and limit the powers and duties of the administrative officers and bodies;

P. To further the specific purposes stated in the various chapters throughout this ordinance;

103 Application

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the unincorporated Rutherford County except as specifically or by necessary implication, authorized by this ordinance.

104 Scope of Regulations

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

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

B. Alteration of Existing Uses, Buildings and Other Structures

1. This ordinance applies to all of the following when they occur after the effective date:

    a. Structural alterations of existing buildings or structures that occur after the effective date of this ordinance;

    b. Relocation of existing buildings;

    c. Enlargements of existing uses;

    d. Additions to existing uses.

2. Whenever an existing building is expanded or remodeled by more than 50 percent of its square footage within a 24 month period, the entire site shall be brought into compliance with the site improvements required by this ordinance.

C. Change of Use

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

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

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

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

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

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

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

107 Legislative Intent of Administrative Application of Zoning Regulation

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

CHAPTER 2
USE CLASSIFICATION

Sections:

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

201 General Classification Purpose and Applicability

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

A cross reference index that identifies specific uses and the respective use classification is contained in the Appendix C. This index should be used to determine the correct classification for each individual land use.

202 Listing of Activity Classifications

All activities are hereby classified into the following activity types:

A. Residential Activities, Section 204:
   - Permanent
   - Semi-Permanent

B. Community Facility Activities, Section 205:
   - Administrative Services
   - Community Assembly
   - Community Education
   - Cultural and Recreation Services
   - Essential Services

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

C. Commercial Activities, Section 206:
Adult Entertainment
Animal Care and Veterinarian Services
Automotive Parking
Automotive Repair and Servicing
Consumer Repair Services
Construction Sales and Services
Entertainment and Amusement Services
Financial, Consultative, and Administrative
Food and Beverage Services
Food Service Drive-in and Drive Thru
General Business and Communication Services
General Personal Services
General Retail Trade
Group Assembly
Medical Services
Transient Accommodations
Undertaking Services
Vehicular, Craft, and Related Equipment
Wholesale Sales

D. Industrial Activities, Section 207:
Light Industrial Activities
Heavy Industrial Activities
Mining, Drilling and Quarrying
Scrap Operations
Transport and Warehousing

E. Agricultural Activities, Section 208:
Agricultural Sales and Services
Agricultural Tourism
Crop and Animal Raising
Plant and Forest Nurseries

203 Classification of Combinations of Principal Activities

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

A. Separate Classification of Each Establishment

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

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

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

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

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

D. Classification and Land Use Reference

Reference should be made to the index in Appendix C when questions regarding a specific land use arise.

204 Residential Activities

A. **Permanent Residential**

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

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

205 Community Facility Activities

A. **Administrative Services**
Include the activities typically performed by public administrative offices. Examples include but are not limited to:
Government Offices
Police and Fire Stations

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

C. **Community Education**
Includes the activities of an educational nature typically performed by public and private schools. This does not include special training and schooling services offered by private individuals or for profit institutions nor technical schools, colleges, or universities. Examples include but are not limited to:
Public and Private Nursery Schools
Kindergarten, Primary, and Secondary Public and Private Schools

D. **Cultural and Recreational Services**
Includes the activities of a cultural or recreational nature that are either owned by, or operated for the use and enjoyment of, the general public. This does not include such facilities that are privately owned and operated for profit. Examples include but are not limited to:

Art Galleries and Libraries
Parks and Playgrounds
Recreational Centers and Gymnasiums

E. **Essential Services**
Includes the maintenance and operation of the following installations:
Electrical and Gas Substations
Pumping Facilities for Water and Sewer Systems
Water Storage Facilities

F. **Extensive Impact Facilities**
Includes the activities that have a high degree of impact upon surrounding land use due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements. Examples include but are not limited to:
Airports
Sanitary Landfills (by special exception only)
Stadiums and Sports Arenas

G. **Health Care Facilities**
Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals. Examples include but are not limited to:
Nursing Homes
Hospitals

H. **Institutional Care Facilities**
Includes activities providing residential services to unrelated individuals who are delinquent minors, psychotic, or paroled from detention institutions. Examples include but are not limited to:
Group Living Arrangements
Transitional Homes (Halfway Houses)

I. **Minimal Impact Facilities**
Includes the activities that have a minimal impact upon surrounding land uses and are often associated with large open spaces:
Golf Course
Community Gardens

J. **Personal and Group Care Facilities**
Includes the activities and facilities to provide for the care of pre-teenage children (excluding living accommodations for the clientele), the elderly and/or persons with disabilities needing special care or supervision but excluding facilities oriented toward medical care and also excluding facilities for delinquent, criminally dangerous, or psychotic people. Examples include but are not limited to:
Family/Group Child Care Homes
Group Home for Persons with Physical or Mental Handicap

206 Commercial Activities

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

B. **Animal Care and Veterinarian Services**
Includes the provision of animal care, treatment, and boarding services. Examples include but are not limited to:
Pet Day Care
Veterinarian Clinics

C. **Automotive Parking**
Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

D. **Automotive Repair and Servicing**
Includes establishments primarily engaged in furnishing auto repair services to the general public. Examples include but are not limited to:
Auto Paint Shops
Auto Towing Services (without storage of wrecked vehicles)
Auto Transmission Repair Shops

E. **Consumer Repair Services**
Includes the servicing and repair of appliances, furniture, and equipment generally used or owned by individuals. Examples include but are not limited to:
Electrical Repair Shops
Furniture Repair, Upholstery and Refinishing Shops
Locksmith Shops

F. **Construction Sales and Services**
Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage. It also includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures. Examples include but are not limited to:
Heating, Plumbing, and Electrical Supplies
General Building Contractors
Plumbing, Heating and Electrical Contractors

G. **Entertainment and Amusement Services**
Includes the provision of cultural, entertainment, educational and athletic services, other than those classified as Community Facility Activities, to smaller groups of assembled spectators and/or participants (less than 250). For larger groups see Group Assembly. This activity type has two levels; Indoor and Outdoor. Examples include but are not limited to:
Bowling Alleys and Billiard Parlors

Amusement Arcades
Skating Rinks
Paintball Fields
Ballfields

H. **Financial, Consultative and Administrative Services**
Includes the provision of financial, insurance, real estate brokerage and general business offices, as well as advice, designs, information or consultations of a professional nature (other than those classified as Community Facility Activities, Medical Service, or Business and Communication Services). Examples include but are not limited to:
Artist Studios
Attorneys and Law Offices
Real Estate Brokers, Managers and Appraisers

I. **Food and Beverage Services**

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

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

K. **General Business and Communication Services**
Includes the provision of services of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but exclude the sale and/or storage of goods and other property unless otherwise permitted by this ordinance. Examples include but are not limited to:
Business Schools
Computer and Data Processing Services
Employment, Personnel, and Temporary Help Services

L. **General Personal Services**
Includes the provision to individuals of informational and instructional services as well as establishments primarily engaged in providing individual services generally related to personal needs. These activities allow the storage and sale of goods as permitted by this ordinance. Examples include but are not limited to:
Child Care Centers
Health Spas
Dancing Schools/Exercise Studios
Laundry Mat

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

N. **Group Assembly**
Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (250 or more). For smaller groups see Entertainment and Amusement Services. Examples include but are not limited to:
Amusement Parks
Commercial Sports Arenas and Playing Fields
Race Tracks (Auto, Motorcycle, Dog, and Horse)

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

P. **Transient Accommodations**
Includes the provision of lodging services for transient guests. Examples include but are not limited to:
Commercial Campground
Hotel

Q. **Undertaking Services**
Includes the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial. Examples include but are not limited to:
Crematoriums
Funeral Homes
Undertakers

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

Boat and Motor Dealers
Mobile Home Dealers
Motor Vehicle Dealers

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

207 Industrial Activities

A. **Light Industrial Activities**
The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of products, if all such operations are carried out within completely enclosed buildings. Examples include but are not limited to:
Cabinets and Similar Products
Precision Machining of Dies, Jigs, and Fixtures
Publishing, Printing (bulk)
Upholstering
Welding

B. **Heavy Industrial Activities**
Manufacturing or other enterprises with significant external effects, or which pose significant risks due the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. Examples include but are not limited to:
Explosives
Asphaltic Cement Plants
Smelting and Refining of Metals and Alloys
Waste Disposal by Compacting or Incineration, as a principal use

C. **Mining, Drilling, and Quarrying**
Includes operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other non-metallic minerals (i.e. phosphate rock). Examples include but are not limited to:
Clay, Ceramic, and Refractory Minerals
Sand and Gravel Quarrying
Stone Quarrying

D. **Scrap Operations**
Includes firms engaged in the storage and/or sale, from the premises, of used or waste/scrap material or other items. Examples include but are not limited to:

Automobile Junk Yards
Salvage Operations

E. **Transport and Warehousing**
Includes the provision of warehousing, storage, freight handling, shipping, and trucking services. Examples include but are not limited to:
Bus and Truck Maintenance and Repair
General Warehousing
Wrecker Services

208 Agricultural Activities

A. **Agricultural Sales & Services**
Includes various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity thereto. Examples include but are not limited to:
Feed Milling and Sales
Horticultural Services
Veterinary Services for Large Animals

B. **Agricultural Tourism**
Includes the use of farms and dairies to provide a commercial enterprise at a working farm that provides recreational or educational experiences for visitors, and that generates supplemental income for owner. Examples include but are not limited to:
Farm Tours
Harvest-your-own Activities
Seasonal Attractions (corn mazes, pumpkin patches, etc.)

C. **Crop and Animal Raising**
Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding facilities for the processing, packaging, or treatment of agricultural products. Examples include but are not limited to:
Dairies
Raising of Plants, Animals, and Fish

D. **Plant and Forest Nurseries**
Includes the cultivation for wholesale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.
Forest Nursery, Plant Nursery

CHAPTER 3
ESTABLISHMENT OF DISTRICTS AND
PROVISIONS FOR THE OFFICIAL ZONING MAP

Sections:
301 Establishment of Districts
302 Provisions for Official Zoning Map

301 Establishment of Districts
The following zoning districts are established.

A. Residential Districts

AR Agricultural Residential
RL Low Density Residential
RM Medium Density Residential
RMF Residential Multi-Family
MHP Mobile/Manufactured Home Park

B. Office and Institutional Districts

OP Office Professional
IN Institutional

C. Commercial Districts

CN Commercial Neighborhood
CS Commercial Services
CG Commercial General

D. Industrial Districts

LI Light Industrial
HI Heavy Industrial

E. Special Districts

Special Character Districts
Planned Unit Development District
Flood Hazard District

302 Provisions for the Official Zoning Map

A. Incorporation of the Official Zoning Map

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

B. Identification and Alteration of the Official Zoning Map

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

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

No amendment to this ordinance, which involves matter portrayed on the Official Zoning Map, shall become effective until after the change and entry has been made on the Official Zoning Map.

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

C. Replacement of Official Zoning Map

If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the County Commission may by resolution adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original or amended Official Zoning Map. The new Official

Zoning Map shall be authenticated in the same manner as the original Official Zoning Map as set forth in Subsection 302 B, above.

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

CHAPTER 4
RESIDENTIAL DISTRICT REGULATIONS

Sections:

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

401 Statement of Purpose

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

402 Purpose of Each Residential District

Each residential district has specific purposes as indicated below:

A. **AR - Agricultural Residential District**.
This district is designed to provide permissible areas for the growing of crops, animal husbandry, dairying, forestry and other similar activities, which generally occur and characterize rural rather than urban areas. In addition, these districts may include areas and lands not suited by reason of soil, geologic, topographic, or other limitations for development. This district also includes community facilities, public utilities, and major recreational facilities, which require large land areas and are appropriately located away from intense urban development. The application of this district is appropriate in any character area in the adopted comprehensive plan where the property is at least 5 acres in size.

B. **RL - Low Density Residential District.**
This district is designed to provide suitable areas for low density residential development characterized by an open appearance. The residential development will consist of single family detached dwellings and accessory structures. This district also includes community facilities, public utilities,

and agricultural activities. The application of this district is appropriate in the rural character area of the adopted comprehensive plan.

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

D. **RMF - Residential Multi-Family**.
This district is designed to provide suitable areas for the development of multi-family projects where sufficient urban facilities are available or where such facilities will be available prior to development. Generally, the district will consist of all forms of housing. This district is intended also to permit community facilities and public utility installations which are necessary to service specifically the residents of the district, or which installations are benefited by and compatible with a residential environment. The application of this district is appropriate in the general urban area of the adopted comprehensive plan.

E. **MHP - Mobile Home Park**.
This district is designed to provide a high quality environment for individual mobile homes, either owned or leased, in a planned development of mobile homes as defined. The application of this district is appropriate in the general urban area of the adopted comprehensive plan.

403 Use and Structure Provisions

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

A. Uses Permitted

1. Principal Permitted Uses

   See Appendix B.

2. Permitted Accessory Uses

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

a. Accessory buildings and parking areas subject to accessory building regulations contained in Chapter 11.

b. Recreation and Cluster Box Unit (CBU)/Mail Kiosk facilities exclusively for the use of the residents. This provision includes subdivision amenities including but limited to clubhouses, pools and tennis courts on lots identified on an approved and recorded final plat subject to the provisions for site plans found in Section 1404 C. of this Ordinance. CBUs are subject to the provisions found in Section 1101 T of this Ordinance.

c. Home based businesses as defined and subject to further regulations contained in Chapter 11.

d. Accessory Dwelling Units subject to regulations contained in Chapter 11.

e. Signs in compliance with the regulations set forth in Chapter 12.

f. Within all districts, private barns, stables, sheds, and other farm buildings that are used exclusively in the agricultural activity.

g. Yard sale of personal/household items from a residence or produce grown on the same zone lot as the dwelling unit but only if;

    i. Sale occurs no more than three (3) days in a ninety (90) day period of time, and;

    ii. No more than four (4) times a year.

h. A parents' day out or child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.

i. Private residential homes that provide childcare for four (4) or less children and requires no licensure from the State of Tennessee.

j. Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Sections 1103 C.4 and 1408.

k. Operation of a playfield or other recreational facility including but not limited to clubhouses, pools and tennis courts for employees, members, residents, patrons or others participating in the principal activity on the same zone lot.

B. Special Exceptions

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

C. Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table in Appendix B is prohibited. The use of a mobile home or similar structure as an office, storage space, retail space, or in any other nonresidential manner is expressly prohibited unless permitted as a temporary use in Chapter 11.

404 Bulk, Yard, and Density Regulations

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

Table 1. Residential Districts – Bulk Regulations

Zoning District	Minimum Lot Area (See 404 A. and B. for Exceptions)	Minimum Lot Width (See 404 A. and B. for Exceptions)	Minimum Building Setbacks	Maximum Height	Maximum Lot Coverage
AR – Agricultural Residential	217,800 sq. ft. (5 acres)	Residential - 200 ft. Other Uses - 300 ft.	Front - 50 ft. Rear - 20 ft. Side - 10 ft.	35 ft.	Residential - 20% Other Uses - 50%

RL - Low Density Residential	43,560 sq. ft. (1 acre)	Residential - 100 ft. Other Uses - 150 ft.	Front – 40 ft. Rear - 20 ft. Side -10 ft.	35 ft.	Residential - 20% Other Uses - 50%
RM - Medium Density Residential	15,000 sq. ft. Other Uses – 1 acre	Residential - 75 ft. Other Uses - 150 ft.	Front – 40 ft. Rear - 20 ft. Side -10 ft.	35 ft.	Residential - 25% Other Uses - 50%
RMF Residential Multi-Family	6,000 sq. ft. Minimum lot area per additional dwelling - 4,000 sq. ft. (10 DUs per acre)	SF Residential - 50 ft. Multi-Family - 100 ft.	Front - 30 ft. Rear -15 ft. (25 ft. for multi-family) Side – 10 ft. (25 ft. for multi-family).	45 ft.	40%
MHP Mobile Home Park	3 acres (7 DUs per acre)	250 ft.	Front - 75 ft. Rear - 50 ft. Side - 50 ft.	15 ft.	40%

A. Variable Lot Size and Adequate Infrastructure in the RL Zone

1. Bulk Regulations for the RM zone, as shown in Table 1, may be used provided:

   a. Public sanitary sewer or a decentralized sewer system existing (i.e. STEP system) with sufficient capacity as determined by the sewer provider: and

   b. Adequate water service is available for domestic service as determined by the water provider and fire protection as determined by the fire chief.

2. Lot size may be reduced to 22,000 square feet provided:

   a. Adequate water service is available for domestic service as determined by the water provider and fire protection as determined by the fire chief.

   b. Adequate soils exist for subsurface sewage disposal as determined by the State of Tennessee Department of Environment and Conservation, Division of Groundwater Protection.

3. In the event water service is either not available or does not meet minimum requirements as determined by the water provider, lot sizes may not be less than 43,560 square feet.

B. Variable Lot Sizes and Minimum Lot Widths for Specific Uses

Lots created for the following uses may be less than the prescribed minimums in this Article:

1. CBUs for centralized mail delivery, consistent with the regulations in Section 1101 T.

405 Other Regulations

The following regulations are supplementary and apply as indicated.

C. Exterior Storage

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

D. Fire Protection

For all approved nonresidential uses within the AR, RL, and RM Districts, fire protection shall be provided consistent with the requirements of the adopted fire code for Rutherford County.

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

E. Development Standards for a Mobile Home Community

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

1. Permit

a. Application for Permits

The construction or extension of a mobile home community may not commence within the area of jurisdiction of this ordinance until a building permit has been issued by the Director of Building Codes. A building permit may be issued for a mobile home community only upon approval of the required zoning district and approval by the Rutherford County Regional Planning Commission of the site plan.

Where conditions are attached by the Rutherford County Regional Planning Commission they shall be included as part of the Certificate of Occupancy.

b. Site Plan Required

A building permit may only be issued for the construction or extension of a mobile home community upon submission and approval by the Rutherford County Regional Planning Commission of a site plan meeting the minimum requirements of Chapter 14.

2. Development Standards

a. General

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

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

b. Minimum Development Size

No mobile home community shall be approved which contains less than three (3) acres in area.

c. Density

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

d. Yards

Along the entire periphery of a mobile home community, yards shall be provided as follows: front 40 feet, side 30 feet, and rear 40 feet

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

3. The Mobile Home Space

a. General: The limits of each mobile home space shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on approved plans. No space shall be smaller than 4,000 square feet.

b. Mobile Home Stands: The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the FHA minimum requirements. Permanent foundations shall meet the requirements of the HUD publication Permanent Foundations for Manufactured Housing, September 1996, and any subsequent amendments.

c. Outdoor Living Area: Each mobile home lot shall be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than three hundred (300) square feet with a least dimension of fifteen (15) feet.

4. Spacing of Mobile Homes and Site Coverage

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

b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting street within the park.

c. Mobile home stands shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective space area.

5. Utilities and Other Services

a. Water Supply and Distribution System: An accessible, adequate, safe and potable supply of water shall be provided in each mobile home community on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively.

b. Sewage Disposal: Each mobile home community shall be served by public sewer, with service provided each trailer site or an approved alternative treatment system.

c. Solid Waste Disposal System: Solid waste collection stands shall be provided for waste containers for each mobile home. Such stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Any central waste container shall be screened from view with access appropriately provided.

d. Service Buildings: Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.

e. Fire Protection: Each mobile home park shall provide fire protection consistent with the requirements of the adopted fire code for Rutherford County.

f. Insect and Rodent Control: Each mobile home park shall be maintained free of litter and accumulation of any kind of debris that may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

6. Streets

a. General

All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means. All internal streets shall be private.

b. Entrance Streets

Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No

parking shall be permitted on the entrance street for a distance of one hundred (100) feet from its point of beginning.

c. Circulation

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

d. Pavement Widths

Pavement widths shall be as follows:

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

e. Construction

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

Base - The base shall consist of crushed stone or gravel, six (6) inches in depth, compacted.

Surface - The surface shall be paved with asphaltic concrete plant mix, one and one-half (1 ½) inches thick, compacted.

7. Walks

a. General Requirements

All mobile home park developments shall be provided with safe, convenient, all season pedestrian walks a minimum of five (5) feet in width, 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 five (5) feet.

b. Individual Walks

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

8. Recreation Area

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

9. Buffer and Screening

A landscape buffer shall be provided in accordance with Chapter 11.

10. Site Design

The appearance and character of the site shall be preserved an enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, and beauty of buildings and grounds. A landscape plan shall be submitted with the site development plan in accordance with the requirements of this ordinance.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

11. Parking

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

12. Replacement of Mobile Homes

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

After the replacement mobile home has been moved into the community and connected to all utilities but prior to any occupancy, such mobile home shall be inspected to determine its compliance with the above standard and the adopted NFPA 101 Life Safety Code.

CHAPTER 5
OFFICE AND INSTITUTIONAL DISTRICT REGULATIONS

Sections:

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

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

502 Purpose of Each Office/Institutional District
Each district has specific purposes as indicated below:

A. **OP - Office Professional District**.
This class of district is designed to provide for low intensity office development and compatible commercial uses such as small retail and business service uses with a minimum of objectionable characteristics in appropriate locations. This district may be used as a transitional zone between residential and intense commercial areas. Permitted uses are those which tend to attract small numbers of people and generate lower volumes of traffic. Less building bulk is permitted and more open space is required.

B. **IN – Institutional District**.
This class of district is designed to provide a zoning classification for specified governmental, community assembly, recreational, and institutional uses where a separate zoning district is appropriate. These regulations are intended to minimize any conflicts or adverse impacts on other properties, public roads, or facilities. It is also the purpose of this district to reserve areas for governmental operations, and other cultural and civic uses.

503 Use and Structure Provisions

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

A. Uses Permitted

1. Principal Permitted Uses

See Appendix B.

2. Permitted Accessory Uses

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

a. Off-street parking and loading serving a principal activity.

b. Childcare for pre-teenage children when operated by a health care, commercial or institutional activity where the care is provided solely for the children of their employees or members. The facility shall be located on the same zone lot as the principal activity and meet all applicable state and local regulations for a day care center for children.

c. Residential occupancy in connection with a principal nonresidential activity on the same zone lot, but only if:

i. No more than one (1) dwelling or rooming unit is permitted,

ii. The unit is occupied by person(s) associated with the principal nonresidential activity located upon the zone lot, and

iii. The nonresidential activity does not constitute a hazardous occupancy.

d. Operation of a cafeteria or a gift shop for employees, members, residents, patrons or others participating in the principal activity on the same zone lot. Where the principal activity is permitted by special exception only, an accessory cafeteria or gift shop must be approved as a part of the action granting said permit.

e. Operation of an administrative office of a firm engaged in a principal institutional or commercial activity on the same zone lot.

f. Cemeteries located on the same property as a religious facility, but only if:

i. The zone lot is a minimum of 5 acres in size

ii. All grave sites are a minimum of 50 feet from any property line

iii. The site does not obstruct the development of any street proposed on the Rutherford County Long Range Transportation Plan.

g. Operation of a playfield or other recreational facility including but not limited to clubhouses, pools and tennis courts for employees, members, residents, patrons or others participating in the principal activity on the same zone lot.

h. Signs permitted in accordance with Chapter 12.

i. A parents' day out or child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.

j. Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Sections 1103 C.4 and 1408.

B. Special Exceptions

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

C. Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table in Appendix B is prohibited. The use of a mobile home or similar structure as an office, storage space, retail space, or in any manner is expressly prohibited.

504 Bulk, Lot, and Open Space Requirements

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

Table 2. Office/Institutional Districts – Bulk Regulations

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

505 Other Regulations

The following regulations are supplementary and apply as indicated.

A. Exterior Storage

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

B. Utilities

All utility service connections to the extent possible shall be underground.

C. Fire Protection

Within the IN and OP Districts, fire protection shall be provided consistent with the requirements of the adopted fire code for Rutherford County.

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

CHAPTER 6
COMMERCIAL DISTRICT REGULATIONS

Sections:

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

601 Statement of Purpose

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

602 Purpose of Each Commercial District

Each commercial district has specific purposes as indicated below:

A. **CN - Commercial Neighborhood District.**
This class of district is designed to provide for a the types of commercial activities that can be located in close proximity to residential areas and that meet recurring shopping and personal service needs. Bulk requirements and buffering standards are intended to insure compatibility between adjoining and nearby uses. This district may also include residential occupancy.

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

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

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

603 Use and Structure Provisions

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

A. Uses Permitted

1. Principal Permitted Uses

See Appendix B.

2. Permitted Accessory Uses

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

a. Off-street parking and loading serving a principal activity.

b. Childcare for pre-teenage children when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees. The facility shall be located on the same zone lot as the principal activity and meet all applicable state and local regulations for a day care center for children.

c. Residential occupancy in connection with a principal nonresidential activity on the same zone lot, but only if:

i. No more than one (1) dwelling or rooming unit is permitted,

ii. The unit is occupied by person(s) employed in the principal nonresidential activity located upon the zone lot, and

iii. The nonresidential activity does not constitute a hazardous occupancy.

d. Operation of a cafeteria or a gift shop for employees, residents, patrons or others participating in the principal activity on the same zone lot. Where the principal activity is permitted by special exception only, an accessory cafeteria or gift shop must be approved as a part of the action granting said permit.

e. Production of goods, bakeries excluded, for sale by a firm engaged in a principal commercial activity on the same zone lot but only if in the CG or CS Districts and provided that:

i. All goods so produced are sold at retail by the same firm on the same zone lot;

ii. Such production does not occupy more than forty-nine (49) percent of the total floor area and open sales, display, storage and service area occupied by such firm on the zone lot;

iii. Such production does not in any case occupy more than two thousand (2,000) square feet of such floor area; and

iv. Such production may only be permitted in an enclosed building.

f. Storage of goods sold by a principal commercial activity engaged in by the same firm on the same zone lot and in the same principal building, and such storage does not occupy more than forty-nine (49) percent of the total floor area.

g. Operation of an administrative office of a firm engaged in a principal manufacturing or commercial activity on the same zone lot.

h. Signs permitted in accordance with Chapter 12.

i. Temporary tents or similar structures used for sales or promotions authorized by the Planning Director through the issuance of a temporary permit for a specified period of time not to exceed two (2) weeks, no more than four (4) times within a year.

j. Recycling Drop off Centers in accordance with Chapter 11.

k. A parents' day out or child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.

l. In the CN District, private residential homes that provide childcare for four (4) or less children and requires no licensure from the State of Tennessee.

m. Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Sections 1103 C.4 and 1408.

n. Operation of a playfield or other recreational facility including but not limited to clubhouses, pools and tennis courts for employees, members, residents, patrons or others participating in the principal activity on the same zone lot.

B. Special Exceptions

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

C. Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table in Appendix B is prohibited. The use of a mobile home or similar structure as an office, storage space, retail space, or in any manner is expressly prohibited.

604 Bulk, Lot, and Open Space Requirements

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

Table 3. Commercial Districts – Bulk Regulations

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Building Setback	Maximum Height	Maximum Lot Coverage	Maximum Floor Area Ratio
CN - Commercial Neighborhood	10,000 sq. ft.	75 ft.	Front 30 ft. Side 15 ft. Rear 20 ft.	35 ft.	50%	0.20
	9,000 sq. ft. for first dwelling unit	SF Residential – 50 feet	Front - 30 ft.	35 ft.	40%	N/A

	Minimum lot area per additional dwelling - 8,500 sq. ft. (5 DUs per acre)	Multi-Family – 100 feet	Rear – 15 ft. (25 ft. for multi-family) Side – 10 ft. (25 ft. for multi-family)			
CS – Commercial Service	20,000 sq. ft.	100 ft.	Front 40 ft. Side 15 ft. Rear 20 ft.	35 ft.	60%	0.50
CG – Commercial General	25,000 sq. ft.	125 ft.	Front 50 ft. Side 20 ft. Rear 20 ft.	45 ft.	70%	1.0

605 Other Regulations

The following regulations are supplementary and apply as indicated.

A. Exterior Storage

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

B. Exterior Display

1. Within the CN, CS and CG districts, exterior display is permitted, provided that no portion of the display may be within required landscaped areas or buffer yards as determined by Section 1104 of this Ordinance or within any required parking area as determined by Section 1102 of this Ordinance.

2. Display areas shall be maintained in an organized fashion and shall not include goods, items or other property not normally for sale at the place of business.

3. The goods, materials or other property offered for sale in an exterior display area must be of such a nature that they are not typically located within a permanent building or structure, such as vehicles, trailers, farming equipment, and landscaping supplies. Goods, merchandise or products that are typically located within a permanent building or structure, such as (but not limited to) clothing and other household goods, shall not be offered for sale in an outdoor display area, with the exception of flea markets, which shall be allowed such a display during business hours only.

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

C. Utilities

All utility service connections to the extent possible shall be underground.

D. Fire Protection

Within the CN, CS and CG Districts, fire protection shall be provided consistent with the requirements of the adopted fire code for Rutherford County.

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

CHAPTER 7
INDUSTRIAL DISTRICT REGULATIONS

Sections:

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

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

702 Purpose of Each Industrial District
Each industrial district has specific purposes as indicated below:

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

B. **HI – Heavy Industrial District**.
This class of district is intended to provide space for the types of industrial activities, which by reason of volume of raw materials or freight, scale of operations, type of structures required, or other similar characteristics

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

703 Use and Structure Provisions

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

A. Uses Permitted

1. Principal Permitted Uses

   See Appendix B.

2. Permitted Accessory Uses

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

   a. Off-street parking and loading serving a principal activity.

   b. Childcare for pre-teenage children when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees. The facility shall be located on the same zone lot as the principal activity and meet all applicable state and local regulations for a day care center for children.

   c. Residential occupancy in connection with a principal nonresidential activity on the same zone lot, but only if:

      i. No more than one (1) dwelling or rooming unit is permitted,

      ii. The unit is occupied by person(s) employed in the principal nonresidential activity located upon the zone lot, and

      iii. The nonresidential activity does not constitute a hazardous occupancy.

d. Operation of a cafeteria or a gift shop for employees, residents, patrons or others participating in the principal activity on the same zone lot. Where the principal activity is permitted by special exception only, an accessory cafeteria and gift shop must be approved as a part of the action granting said permit.

e. Operation of an administrative office of a firm engaged in a principal manufacturing or commercial activity on the same zone lot.

f. Signs permitted in accordance with Chapter 12.

g. Temporary tents or similar structures used for sales or promotions authorized by the Planning Director through the issuance of a temporary permit for a specified period of time not to exceed two (2) weeks, no more than four (4) times within a year.

h. Recycling Drop off Centers in accordance with Chapter 11.

i. A parents' day out or child care for pre-teenage children for not more than twelve (12) hours in any one week and which does not require licensure by the State of Tennessee shall be permitted on any property approved as a Community Assembly use.

j. Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Sections 1103 C.4 and 1408.

k. Operation of a playfield or other recreational facility including but not limited to clubhouses, pools and tennis courts for employees, members, residents, patrons or others participating in the principal activity on the same zone lot.

B. Special Exceptions

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

C. Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table in Appendix B is prohibited. The use of a mobile home or similar structure as an office, storage space, retail space, or in any manner is expressly prohibited

704 Bulk, Lot, and Open Space Requirements

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

Table 4. Industrial Districts – Bulk Regulations

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Building Setback	Maximum Height	Maximum Lot Coverage	Maximum Floor Area Ratio
LI – Light Industrial	25,000 sq. ft.	75 ft.	Front 50 ft. Side 20 ft. Rear 20 ft.	40 ft.	50%	1.0
HI – Heavy Industrial	40,000 sq. ft.	100 ft.	Front 70 ft. Side 30 ft. Rear 50 ft.	50 ft.	75%	1.5

705 Other Regulations

The following regulations are supplementary and apply as indicated.

A. Exterior Storage

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

B. Exterior Display

1. Within the LI and HI districts, exterior display is permitted, provided that no portion of the display may be within required landscaped areas or buffer yards as determined by Section 1104 of this Ordinance or within any required parking area as determined by Section 1102 of this Ordinance.
2. Display areas shall be maintained in an organized fashion and shall not include goods, items or other property not normally for sale at the place of business.
3. The goods, materials or other property offered for sale in an exterior display area must be of such a nature that they are not typically located within a permanent building or structure, such as vehicles, trailers, farming equipment, and landscaping supplies. Goods, merchandise or products that are typically located within a permanent building or structure, such as (but not limited to) clothing and other household goods, shall not be offered for sale in an

outdoor display area, with the exception of flea markets, which shall be allowed such a display during business hours only.

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

C. Within the LI and HI Districts, fire protection shall be provided consistent with the requirements of the adopted fire code for Rutherford County.

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

CHAPTER 8
SPECIAL CHARACTER DISTRICT REGULATIONS

Sections:
801 Statement of Purpose
802 Purpose of Each District
803 Use and Structure Provisions
804 Bulk, Lot and Intensity Regulations

801 Statement of Purpose
The purpose of the special character zoning districts is to allow the county to establish land use regulations in various areas of the county that are identified in the adopted long-range plan as unique in some way or that have special needs due to location, building types or local character. These districts are tools to implement the plan.

802 Purpose of Each District
Each special character district has specific purposes as indicated below.

A. **VNC - Village Neighborhood Center.**
The purpose of the VNC District is to accommodate mixed-use opportunities for residential, retail, service, office and general commercial uses along with small scale industrial uses that provide the physical design characteristics for development of pedestrian orientation, store-front streets, local businesses and employment within a neighborhood setting. Further, the intent is to encourage interaction among the activities within the district to enhance business vitality, reduce vehicular traffic and ensure that the appearance and effects of buildings and uses are harmonious with each other. The district is designed to implement the alternative scenario of village neighborhood centers as depicted in the adopted comprehensive plan.

B. **RC - Rural Center**.
The purpose of the RC District is similar to the VNC except that the density and intensity of development is lower in keeping with a more rural atmosphere. The district is designed to implement the alternative scenario of rural centers as depicted in the adopted comprehensive plan.

C. **EAC - Employment and Activity Center**.
The purpose of an EAC District is to provide a more intense mixed-use accommodation of commercial, office, retail, service and industrial uses as well as multi-family residential for a wide market area and a variety of activities. The district is designed to implement the alternative scenario of

employment and activity centers as depicted in the adopted comprehensive plan.

803 Use and Structure Provisions

A. Uses Permitted

1. Principal Permitted Uses

See Appendix B.

2. Permitted Accessory Uses

a. Accessory activities customarily associated with residential uses shall abide by the accessory use regulations found in Chapter 4.

b. Accessory activities customarily associated with office/institutional uses shall abide by the accessory use regulations found in Chapter 5.

c. Accessory activities customarily associated with commercial uses shall abide by the accessory use regulations found in Chapter 6.

d. Accessory activities customarily associated with industrial uses shall abide by the accessory use regulations found in Chapter 7.

e. Signs permitted in accordance with Chapter 12.

f. Child Care Centers accessory to legally established Community Assembly Uses by special exception, subject to provisions of Sections 1103 C.4 and 1408.

g. Operation of a playfield or other recreational facility including but not limited to clubhouses, pools and tennis courts for employees, members, residents, patrons or others participating in the principal activity on the same zone lot.

B. Special Exceptions

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

C. Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table in Appendix B is prohibited. The use of a mobile home or similar structure as an office, storage space, retail space, or in any other nonresidential manner is expressly prohibited.

804 Bulk, Yard, Density and Intensity Regulations

The regulations appearing below apply to zone lots and buildings or other structures located on any zone lot or portion of a zone lot including all new developments, enlargements, extensions or conversions. Existing buildings, structures or use activities that do not comply with one or more of the applicable bulk regulations are classified as nonconforming are subject to the provisions of Chapter 12.

Table 5. Special Character Districts – Bulk Regulations

Zoning District		Minimum Lot Area	Minimum Lot Width	Minimum Building Setback	Maximum Height	Maximum Lot Coverage	Maximum Floor Area Ratio
VNC – Village Neighborhood Center	Single Family	11,000 sq. ft.	65 ft.	Front * Side 10 ft. Rear 20 ft.	35 ft.	65%	N/A
	Mixed Use	6,000 sq. ft. (10 DUs per acre)	50 ft.	Front * Side 10 ft. Rear 20 ft.	35 ft.	65%	0.5
RC- Rural Center	Single Family	15,000 sq. ft.	75 ft.	Front * Side 10 ft. Rear 20 ft.	35 ft.	40%	N/A
	Mixed Use	9,000 sq. ft. (5 DUs per acre)	100 ft.	Front * Side 10 ft. Rear 20 ft.	35 ft.	50%	0.2
EAC – Employment & Activity Center	Multi-Family	9,000 sq. ft. Minimum lot area per additional dwelling - 8,500 sq. ft. (5 DUs per acre)	100 ft.	Front - 30 ft. Rear - 25 ft. Side – 25 ft.	40 ft.	65%	N/A
	Commercial	20,000 sq. ft.	100 ft.	Front 40 ft. Side 15 ft. Rear 20 ft.	40 ft.	65%	0.9
	Office/ Institutional	20,000 sq. ft.	100 ft.	Front 40 ft. Side 15 ft. Rear 20 ft.	40 ft.	None	0.9
	Industrial	30,000 sq. ft.	100 ft.	Front 50 ft. Side 20 ft. Rear 20 ft.	40 ft.	None	0.9

* Setback determined by measuring front setbacks of existing structures along the same block located within one hundred (100) feet in either direction of the subject lot. Calculate the average front setback in the area and set the building within five (5) feet of the average.

805 Other Regulations

The following regulations are supplementary and apply as indicated.

A. Exterior Storage

1. Within the VNC and RC Districts for nonresidential uses, exterior storage of goods, materials, or other property is prohibited. Waste disposal receptacles shall be located in the rear of the principal buildings within an enclosure that is constructed of materials similar to the principal building. Such enclosure shall be screened from public view. (See fence regulations, Chapter 11)

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

3. All exterior storage area surfaces shall be constructed of a durable material, and graded to prevent ponding within this area.

B. Exterior Display

1. Within the RC, VNC and EAC districts, exterior display is permitted, provided that no portion of the display may be within required landscaped areas or buffer yards as determined by Section 1104 of this Ordinance or within any required parking area as determined by Section 1102 of this Ordinance.

2. Display areas shall be maintained in an organized fashion and shall not include goods, items or other property not normally for sale at the place of business.

3. The goods, materials or other property offered for sale in an exterior display area must be of such a nature that they are not typically located within a permanent building or structure, such as vehicles, trailers, farming equipment, and landscaping supplies. Goods, merchandise or products that are typically located within a permanent building or structure, such as (but not limited to) clothing and other household goods, shall not be offered for sale in an outdoor display area, with the exception of flea markets, which shall be allowed such a display during business hours only.

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

C. Utilities

All utility service connections to the extent possible shall be underground.

D. Fire Protection

Within the VNC, RC and EAC Districts for nonresidential uses, fire protection shall be provided consistent with the requirements of the adopted fire code for Rutherford County.

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

CHAPTER 9
PLANNED UNIT DEVELOPMENT REGULATIONS

Sections:

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

901 Purpose

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

A. Providing flexibility in the application of land development regulations that will encourage innovative development and redevelopment for residential and nonresidential purposes so that a growing demand for other housing and other development and land use may be met by variety in type, design, and layout of dwellings and other buildings and structures, including traditional neighborhood development;

B. Providing flexibility in architectural design, placement, and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking; and related site design considerations;

C. Encouraging the conservation of natural features, preservation of open space and critical and sensitive areas, and protection from natural hazards;

D. Providing efficient use of public facilities;

E. Encouraging and preserving opportunities for energy-efficient development and redevelopment;

F. Promoting attractive and functional environments for nonresidential areas that are compatible with surrounding areas; and

G. Accommodating developments that are exclusively residential, exclusively non-residential, or a compatible and complementary mix of residential and non-residential units.

H. To allow increases in density beyond what is typically found in a conventionally zoned tract of land or to offset any reduction in developable lands (i.e. land dedicated to open space).

902 Standards of Review

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

A. Ownership and Division of Land

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

B. Adequate public facilities

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

C. Connectivity

1. Street System Connectivity. An interconnected street system is necessary in order to promote orderly and safe development by ensuring that streets function in an interdependent manner, provide adequate access for emergencies and service vehicles, enhance access by ensuring connected transportation routes and provide continuous and comprehensible traffic routes. Applications for planned developments are encouraged to provide public street access to adjoining properties, including connections into any existing streets that currently stub into the property. At the same time, staff understands that connections to all properties may not be practical. Therefore, the following information shall be required with all PUD applications:

a. A plan showing all proposed connections to adjacent properties;

b. If the applicant feels that there are certain connections that are not practical or possible to make, or if they feel that their development meets the intent of this section with the connections proposed, a written explanation of their position shall be submitted with their plan.

2. Bicycle/Pedestrian Connectivity. Walkways are encouraged to be provided within the PUD in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. Where appropriate the plan shall provide pedestrian/bicycle access to, between or through open space areas and to appropriate off-site amenities. Informal trails may be constructed of gravel, wood chip or other similar material.

D. Landscaping

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

E. Off-Street Parking

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

F. Perimeter Requirements

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

G. Architectural Design

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

and linkages, or a clear conveyance in the importance of various buildings and features on the site.

H. Bulk Regulations

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

Regulations for accessory structures shall remain consistent with Chapter 11 of this ordinance, unless otherwise stated in the applicant's regulating pattern book.

I. Minimum Building Separation

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

J. Waiver of Board of Zoning Appeals Action

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

K. Open Space

1. Required Open Space.
In all residential PUDs, a minimum of 10 percent of the gross project area, excluding areas devoted to waste water disposal (i.e. STEP Systems) or nonresidential uses, shall be set aside as open space. At least 50 percent of this land shall be Usable Open Space, as defined in this chapter. All PUDs that are completely non-residential are exempt from this requirement.

2. Definitions.

a. Open Space: Any land or area within the boundaries of a development, the preservation of which in its present use would:
- Conserve and enhance natural or scenic resources;
- Protect streams or water supply;
- Promote the conservation of soils, wetlands, or other environmentally sensitive areas;

- Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or
- Enhance recreation opportunities.

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

3. Permitted Uses.

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

i. Greenbelts that serve as a buffer between land uses, using existing vegetation, or an aesthetic amenity such as boulevard trees;

ii. Agriculture or pasture uses; and

iii. Preservation of important natural features.

b. Usable open space must be suitably improved for its intended use. Active recreation facilities are encouraged. Permitted uses for usable open space may include, but are not limited to:

i. Pedestrian, bike and multi-purpose trails;

ii. Passive recreation areas, including pocket parks; and

iii. Active recreation areas, such a ball fields and playgrounds, provided that they are limited in impervious area to 10 percent of the required open space.

4. Location and Configuration.

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

a. Focal points for the development, such as public gathering areas, fountains, etc.

b. Connectivity within the development so that an interconnected network of open space can be enjoyed by the residents.

c. An extension and enlargement of presently existing or planned trail, park, or other open area land adjacent to the development.

5. Stormwater Management Facilities.

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

a. The detention pond shall be constructed so as to drain fully when precipitation is not occurring (i.e. no standing water may be left) unless the pond is designed as an aesthetic amenity.

b. The side slope of the detention pond shall not exceed thirty-three percent unless slopes are existing, natural and covered with vegetation.

c. If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in natural or near-natural condition.

d. The detention area shall be landscaped in a manner which is both aesthetic and able to withstand the inundation expected.

e. Use of a dedicated usable open space area for storm water detention/retention shall not be acceptable if the area must be fenced or otherwise rendered unsuitable or unavailable for recreation use during dry weather.

f. In the case of joint use of usable open space for detention and recreation, the property owners' association shall be responsible for maintenance of the facilities.

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

a. The area within a public street right-of-way or private road access easements or other easements that include roads, drives, or utility lines;

b. The area within any manmade storm water detention or retention pond, unless improved consistent with the above section (Subsection 902 K.5);

c. STEP soils areas.

7. Phasing of open space and usable open space.

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

8. Maintenance of open space and usable open space.

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

a. The association must be set up before the properties are sold;

b. Membership must be mandatory for each buyer and any successive buyer;

c. The open space and usable open space restrictions must be permanent, not just for a period of years;

d. The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities; and

e. Property owners must pay their prorated share of the cost to the assessment levied by the association to meet changed needs.

L. Project Phasing

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

1. Any phasing plan shall be approved during the PUD review process and shall be sufficient in terms of size and scope in order for the phase to exist as a "stand alone" project, in the event the applicant does not implement subsequent phases of the PUD as proposed and approved.

2. Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.

3. Time extension for Concept Plans. The owner and/or applicant who requested the PUD may request an extension of the Concept Plan in one-year increments. The request shall require a revised phasing plan to be submitted. Approval of a time extension is at the discretion of the Planning Commission. However, the total time extension shall not exceed two years without re-approval being granted by the Board of Commissioners. When considering approval of a time extension, the Planning Commission may recommend the concept plan be modified to comply with regulations adopted since the PUD was approved and/or to address changes to surrounding properties since the PUD was approved.

4. Inactive PUDs. A PUD shall be considered inactive if any of the following situations occur:

    a. If a preliminary subdivision plan or site plan has not been approved by the Planning Commission within one year of the effective date of the PUD;

    b. If a final subdivision plat has not been recorded by the Planning Commission within two (2) years of the Commission's approval of a preliminary subdivision plat; or

    c. If actual construction has not begun on an approved site plan within 18 months of Planning Commission approval consistent with Chapter 14 of this ordinance. For the purposes of this subsection, actual construction is defined to include permanent fastening of construction materials on-site or extensive grading including demolition or removal of existing structures necessary for the development; or

    d. If at any time the PUD, or phase of the PUD has not been developed according to a schedule established with the original approval of the PUD, unless time extensions have been granted by the Planning Commission as specified in Subsection 902 L.3.

5. If a PUD is inactive, the Planning Commission shall give notice by certified mail to the owner/applicant who requested the PUD and shall schedule a public hearing to take any of the following actions:

    a. Recommend extending, removing or modifying the schedule for development;

    b. Recommend amendments to the concept plan;

    c. Recommend rezoning of the property to its former zoning classification.

903 Procedure for Review

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

A. Step 1 – Preliminary Concept Meeting

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

B. Step 2 - Pre-application Conference

1. Within 90 days of the preliminary concept meeting, the applicant shall meet with the Planning Department and other departments, as appropriate, for a pre-application conference.

2. The applicant shall supply preliminary information to the Planning Department in a form established by the Planning Department. Such information shall be submitted at least three business days prior to the pre-application conference meeting.

3. The purpose of the pre-application conference shall be to review refined plans and concepts for the PUD, the submittal requirements for the formal application, and the neighborhood meeting.

C. Step 3 - Neighborhood Meeting

1. The applicant is required to hold at least one formal neighborhood meeting prior to the formal application for a PUD. The applicant shall meet the following standards when conducting a neighborhood meeting:

a. Provide adequate notice to the Planning Department of the neighborhood meeting, including time, date, and location of the meeting. The meeting must be attended by a staff member of the Planning and/or Engineering Department.

b. Conduct the neighborhood meeting within proximity of the location of the proposed development. If it is not possible to hold the meeting in proximity to the location of the proposed development, due to lack of public facilities, the meeting shall be held in a nearby convenient location.

c. An effort shall be made to provide adequate notice of the neighborhood meeting to the community. This notice may include but not be limited to a notice in a local newspaper or an informational letter distributed to area property owners. At

a minimum, informational letters shall be distributed to property owners within a 500-foot radius of the proposed PUD.

d. Provide the Planning Department with a written summary of the meeting as part of the Concept Plan application. The summary shall include a brief description of the method used to provide notice of the neighborhood meeting to the community and highlight the primary concerns of the neighboring property owners raised at the neighborhood meeting. Staff may submit a supplemental summary with additional information if necessary.

2. The Planning Director may waive the neighborhood meeting requirement for modifications or reapplications under the following circumstances:

a. For reapplications: If a formal neighborhood meeting has been conducted for the PUD application in the last 12 months and no changes to the original application are being proposed.

b. For modifications: The proposed modifications to the PUD application will not alter the potential impact of the PUD on the neighboring properties.

D. Step 4 – PUD Application

1. Within 90 days of the pre-application conference, the applicant shall submit an application in accordance with Section 904 PUD application requirements.

2. If the applicant fails to submit an application within 90 days of the pre-application conference, the applicant shall be required to begin the review procedure again from the pre-application conference (Step 2).

E. Step 5 – Planning Commission Review and Recommendation

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

F. Step 6 - Board of Commissioners Review

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

G. Step 7 - Site Plan and Subdivision Plat Requirements

1. If approved, the PUD Regulating Pattern Book, as described in Subsection 904 A., will become the controlling document for all future development in that established PUD zone. Parcels approved for a PUD will continue to be regulated by the Regulating Pattern Book regardless of future subdivision and sale of the property.

2. The procedure for Site Plan review will be required as established in Chapter 14 of this ordinance.

3. The procedure for Preliminary and Final subdivision plats review will be required as established in the Rutherford County Subdivision Regulations.

904 Application Requirements

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

A. Regulating Pattern Book

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

1. Name, address, contact information of applicant and professional architect, planner, or engineer responsible for preparing the Regulating Pattern Book.

2. A Concept Plan which contains the following minimal information:

a. Location, shape and size of property or properties involved in the project;

b. The proposed street network within the project which shall include the location and proposed improvements of any road depicted on the Major Thoroughfare Plan. The plan shall show all proposed connections to adjacent properties;

c. The location of proposed lots and an indication of the proposed uses for each lot;

d. The location of common open space, pedestrian/bicycle connections, areas proposed for public use (i.e. school, fire station);

e. For any nonresidential use show the general location of proposed buildings, parking areas, loading zones, and screening.

3. List of permitted uses within the development;

4. List of exceptions from zoning and subdivision regulations that are otherwise applicable to the property including but not limited to setbacks, lot size, and street design;

5. A plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on-site and within two hundred feet of the subject property and the identification of the existing uses of those properties;

6. A graphic rendering of existing natural features including but not limited to topography, soils, woodlands, wetlands, floodplain, and existing drainage patterns which affect the property;

7. A map showing available utilities, easements, roadways, rail lines and public right-or-way crossing and adjacent to the property;

8. Architectural renderings, architectural plans or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials, including the siding and roof materials, porches, decks and any proposed landscaping;

9. For projects that include residential uses, the proposed project density including a tabulation of the maximum number of residential lots for each proposed square footage range;

10. For projects that include nonresidential uses, a tabulation of maximum total square feet of building floor area proposed for commercial and industrial uses, by general type of use; and the maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial and/or industrial uses;

11. A tabulation of the number of lots which would be allowed under the existing zoning. Provide a detailed explanation on how this tabulation was calculated;

12. A tabulation and description of amenities within the PUD including the percentage of open space and usable open space;

13. For projects that include nonresidential uses, a photometric plan of the nonresidential areas complete with light cutsheets and lighting fixtures examples;

14. If the PUD is proposed to be constructed in stages during a period extending beyond a single construction season then a Phasing plan shall be established. The Phasing Plan shall include:

    a. The approximate date when construction of the project will begin;

    b. The order in which the phases will be built;

    c. The minimum area and approximate location of common open space and public improvements that will be required at each stage; and

    d. A breakdown by phase for subsections [9] and [10] above.

B. Concept Plan

The applicant shall submit one 24”x36” copy of the Concept Plan, as described in Subsection 904 A.2 at an appropriate scale as determined by staff.

C. Continued Maintenance Assurance

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

D. Documentation of Adequate Public Facilities

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

E. Documentation of Neighborhood Meeting

The applicant shall submit a summary of the neighborhood meeting as described in Subsection 903 C.1.d.

F. Additional information may be required

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

905 Other Issues

A. Modifications to a PUD

Following approval of the PUD by the Board of Commissioners, it is possible that as the development of the PUD progresses, modifications to the approved concept plan may be necessary for a variety of reasons. Minor modifications only require administrative approval from the Planning Director. However, major modifications, as defined below, will be subject to further review by the Planning Commission and Board of Commissioners and will be required to undergo the process for PUD approval as enumerated in Section 903.

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

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

1. The changes proposed seeks to amend a specific condition that was imposed by the Board of Commissioners;

2. Proposed amendment results in the increase in the number or dwelling units (density) or maximum square footage (intensity) in the cases of non-residential PUDs;

3. The amendment modifies the location and/or number of the PUDs primary access points;

4. The amount of open space is reduced;

5. Modification of bulk and height restrictions and any other development regulations expressly enumerated in the Regulating Pattern Book.

6. Deviations to site plans consistent with Chapter 14 of this ordinance.

B. Re-application if Denied

If an application for a PUD is denied by the Board of Commissioners, a re-application pertaining to the same property with the same regulating pattern book may not be filed within nine (9) months of the date final action was taken on the previous application, unless such re-application is initiated by the Planning Department or the Board of Commissioners.

CHAPTER 10
FLOOD HAZARD DISTRICTS

Sections:

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

1001 Statutory Authorization, Findings of Fact, Purpose and Objectives

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

B. Findings of Fact

1. The Rutherford County Board of Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the National Flood Insurance Program found at 44 CFR Ch. 1 (10-1-04 Edition).

2. Areas of Rutherford County are subject to periodic inundation which could result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards or which result in damaging increases in erosion, flood heights or velocities;

2. Require that uses vulnerable to floods, including County facilities, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;

2. To minimize expenditure of public funds for costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;

7. To ensure that potential homebuyers are notified that property is in a floodprone area; and

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

1002 Definitions

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

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

1. Accessory structures shall only be used for parking of vehicles and storage;

2. Accessory structures shall be designed to have low flood damage potential;

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which may result in damage to other structures;

5. Service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

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

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

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

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

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

"Building", See "Structure".

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

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

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

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

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

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

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

"Existing Structures" see "Existing Construction".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that has been certified either:

   a. By an approved state program as determined by the Secretary of the Interior, or
   b. Directly by the Secretary of the Interior.

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

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

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

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

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

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

“Special Flood Hazard Area” see “Area of Special Flood Hazard”

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

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

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

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

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

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have

incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

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

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

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance 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 Ordinance is presumed to be in violation until such time as that documentation is provided.

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

1003 General Provisions

A. Application

This ordinance shall apply to all areas within the unincorporated area of Rutherford County, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Rutherford County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated October 16, 2008 and Flood Insurance Rate Map (FIRM), Community 470165, Panel Numbers 47149C0010H, 47149C0015H, 47149C0028H,

47149C0045H, 47149C0063H, 47149C0105H, 47149C0106H, 47149C0108H, 47149C0127H, 47149C0128H, 47149C0129H, 47149C0131H, 47149C0132H, 47149C0133H, 47149C0134H, 47149C0140H, 47149C0145H, 47149C0152H, 47149C0153H, 47149C0154H, 47149C0161H, 47149C0162H, 47149C0163H, 47149C0164H, 47149C0166H, 47149C0167H, 47149C0168H, 47149C0169H, 47149C0178H, 47149C0179H, 47149C0183H, 47149C0190H, 47149C0193H, 47149C0220H, 47149C0235H, 47149C0240H, 47149C0245H, 47149C0255H, 47149C0260H, 47149C0265H, 47149C0270H, 47149C0280H, 47149C0285H, 47149C0290H, 47149C0295H, 47149C0305H, 47149C0306H, 47149C0308H, 47149C0315H, 47149C0335H, 47149C0355H, 47149C0376H, 47149C0377H, 47149C0378H, 47149C0379H, 47149C0381H, 47149C0382H, 47149C0383H, 47149C0384H, 47149C0390H, 47149C0395H, 47149C0401H, 47149C0402H, 47149C0403H, 47149C0404H, 47149C0410H, 47149C0415H, 47149C0420H, 47149C0426H, 47149C0427H dated January 5, 2007 and 47149C0020J, 47149C0040J, 47149C0107J, 47149C0109J, 47149C0115J, 47149C0116J, 47149C0117J, 47149C0118J, 47149C0126J and 47149C0230J dated October 16, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

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

G. Warning and Disclaimer of Liability

The degree flood protection required by this ordinance 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 ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Rutherford County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation

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

1004 Administration

A. Designation of Ordinance Administrator

The County Engineer is hereby appointed as the administrator to implement the provisions of this ordinance.

B. Permit Procedures

Application for a certificate of zoning compliance (prior to issuance of a building permit) shall be made to the Rutherford County Regional Planning and Engineering Department on forms furnished by same prior to any development activities. The applicant shall submit the following with the certificate of zoning compliance: an accurate and legibly drawn site plan, in duplicate, at a scale of note less than one hundred feet to one inch (100’=1”), and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application Stage

   a. A survey, certified by the registered land surveyor showing property boundary lines and dimensions, and the gross land area of the site.

   b. The elevation of the lot.

   c. Location, size and arrangement of existing and proposed buildings.

d. Fill, storage of materials, and drainage facilities.

e. Elevations in relation to mean sea level of the lowest floor, including basement, of all structures when Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

f. Elevation in relation to mean sea level to which any non-residential structure has been flood-proofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

g. Design and the FEMA Flood-proofing Certificate from a Tennessee-registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Section 1004.

h. A description of the extent at which any water course will be altered or relocated as a result of the proposed development.

i. The Director of Building and Codes may make other reasonable requirements for information when necessary.

2. Construction Stage

Within approximate A zones, where base flood elevation data are not available, the County Engineer shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

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

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. When flood-proofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a Tennessee professional engineer or Tennessee architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to

further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required herein, shall be cause to issue a stop-work order for the project.

3. Additional Duties and Responsibilities of the Director of Building and Codes

In addition to other duties and responsibilities set forth in this ordinance the Director of Building and Codes shall:

a. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.U. 1334.

b. Verify and record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor, including basement, of all new and substantially improved structures, in accordance with Subsection 1004 B of this Ordinance.

c. Verify and record the actual elevation, in relation to mean sea level or the highest elevation, where applicable, to which new and substantially improved structures have been flood-proofed in accordance with Subsection 1004 B of this ordinance.

d. When base flood elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the County of Rutherford FIRM meet the requirements of this ordinance.

Within approximate A zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade. All applicable data including elevations or flood proofing certifications shall be recorded as set forth Subsection 1004 B of this ordinance.

e. When the Administrator has designated areas of special flood hazards (A and AE zones) by publication of a county's FHBM, but has neither produced water surface elevation data nor

identified a floodway or coastal high hazard area, the county shall:

i. Notify in riverine situations, adjacent communities and the Tennessee Department of Economic and Community Development prior to any alteration or relocation of a watercourse, and submit copies to such notifications to the Federal Emergency Management Agency.

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

f. Notify, in writing, applicants for variance within F-H (Flood Hazard) Districts that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance and that such construction below the base flood level increases risks to life and property.

g. Review of all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

h. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Subsection 1004 B.

i. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

j. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including

data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or flood-proofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 1002 of this ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Subsection 1004 B.

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

1005 Provisions for Flood Hazard Reduction

A. General Standards
In all flood prone areas the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.

2. All new construction and substantial improvements shall be constructed with material and utility equipment resistant to flood damage.

3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

4. Any mobile/manufactured home proposed to be located in an area subject to flood, existing mobile/manufactured home parks included, shall be subject to the following specific requirements:

   a. All mobile/manufactured homes shall be elevated and anchored to resist flotation, collapse, and lateral movement by methods of anchoring that may include, but are not limited to, providing over-the-top and frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

b. Over-the-top ties shall be provided at each of the four corners of the mobile/manufactured home, with two additional ties per side at intermediate locations on mobile/manufactured homes 50 feet or greater in length (a total of eight ties are required); and, one additional tie per side on mobile/manufactured homes less than 50 feet in length (a total of six ties are required).

c. Frame ties shall be provided at each of the four corners of the mobile/manufactured home, with five additional ties per side at intermediate locations on mobile/manufactured homes 50 feet or greater in length (a total of 14 ties are required), and four additional ties per side on mobile/manufactured homes less than 50 feet in length (a total of 12 ties are required).

d. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

e. Any additions to the mobile/manufactured home shall be similarly anchored.

5. For new mobile/manufactured home parks, for expansions to existing mobile/manufactured home parks, and for existing mobile/manufactured home parks where the repair, reconstruction or improvements of the streets, utilities, and pads equals or exceeds 50% of their value before repair, reconstruction or improvement has commenced, the following regulations shall apply:

a. Pads shall be elevated on compacted fill or pilings so that the lowest floor of the mobile/manufactured home will be three (3) feet above the BFE (in AE zones) or HAG (in approximate A zones).

b. Adequate surface drainage and access for a hauler shall be provided.

c. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above ground level.

d. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

6. All new replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into system.

7. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into systems and discharges from the systems into flood waters.

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9. Permits shall be required for all proposed construction and other developments including the placement of mobile/manufactured homes.

10. Review proposed development to assure that all necessary permits have been received from the government agencies for which approval is required by Federal and State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

11. All manufactured homes to be placed or substantially improved within Zones A and AE on Rutherford County's FIRM must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least three (3) feet above the base flood elevation or three (3) feet above the highest adjacent grade (in approximate A zones); and be securely anchored to an adequately anchored foundation system in accordance with the provisions of FEMA.

12. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance; and,

13. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

14. All new construction and substantial improvement proposals shall include copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

15. All subdivision proposals and other proposed new development proposals shall meet the standards of this ordinance.

16. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction; and

17. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Subsection 1005 A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than three (3) feet above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures.”

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 1002). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

2. Non-Residential Structures

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood-proofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 1002). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Non-Residential buildings located in all A Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Subsection 1004 B.

3. Enclosures

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

a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Subsection 1005 B.

4. Mechanical and Utility Equipment.

Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

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

i. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

ii. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 1002.)

c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Subsections 1005 A and B.

d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

i. Be on the site for fewer than 180 consecutive days;

ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

iii. The recreational vehicle must meet all the requirements for new construction.

6. Standards for Subdivisions and Other Proposed New Development Proposals

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

a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Subsection 1005 B).

7. (FW) Floodway Provisions

Located within the Special Flood Hazard Areas established in Subsection 1003 B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of

the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

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

b. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection 1005 A and B.

c. General Requirements for (FW) Floodway District.

i. No structure (temporary or permanent), fill (including fill for roads and levies), culverts, bridges, storage equipment or materials, or other use shall be permitted unless it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

ii. Any building or structure in existence prior to the effective date of these flood prevention requirements that is hereafter damaged less than 50% of its replacement value may be reconstructed and used as before only if the following requirements are met:

a) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.

b) The structure may be reconstructed only if the lowest floor (including basement) is at least equal to or above the base floor (100 year flood) elevation.

c) The level of the 100 year flood shall not be increased above that demonstrated in the Flood Insurance Study for Rutherford County by the reconstruction.

iii. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Subsection 1005 B of this Chapter.

8. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in Subsection 1003 B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

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

b. New construction and substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Subsection 1005 B.

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

Located within the Areas of Special Flood Hazard established in Subsection 1003 B, where streams exist, but no base flood data has been provided (A Zones), AND where a Floodway has not been delineated, the following provisions shall apply:

a. Require standards for Specific Standards in Subsection 1005 B of this ordinance;

b. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data in accordance with the standards set forth herein;

c. The Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or any other source, in order to administer the provisions of this ordinance. When such data is utilized, provisions of Section 1004 shall apply. The Floodplain Administrator shall:

   i. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,

   ii. Obtain, if the structure has been flood-proofed in accordance with the requirements of Subsection 1004 B, the elevation in relation to the mean sea level to which the structure has been flood-proofed, and

   iii. Maintain a record of all such information.

d. Notify, in riverine situations, adjacent communities, and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

e. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

f. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

g. ONLY if base flood elevation and floodway data is not available from any sources, the following provisions shall apply:

i. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than (1) foot at any point within the County. The engineering certification should be supported by technical data that conforms to the standard hydraulic engineering principles.

ii. New construction and substantial improvements shall have the lowest floor (including basement) elevated to no less than three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of the hydrostatic flood forces on exterior walls shall be provided in accordance with the standards in Chapter 10 of the Ordinance.

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

Located within the Areas of Special Flood Hazard established in Subsection 1003 B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (l'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

a. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1’) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Subsection 1004 B, and “Elevated Buildings”.

b. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in Subsection 1004 B.

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

d. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

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

Located within the areas of special flood hazard established in Subsection 1003 B. are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of Section 1004 and Section 1005 A shall apply.

12. Standards for Unmapped Streams

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

a. No encroachments including fill material or other development including structure shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee-registered professional engineer is provided demonstrating

that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than (1) foot at any point within the locality.

b. When new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Section 1004.

1006 Variance Procedures

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

A. Board of Zoning Appeals

1. The Rutherford County Board of Zoning Appeals shall hear and decide all appeals and requests for variances from the requirements of this Chapter as set forth in Chapter 14 of this ordinance.

2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance 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 ordinance, and:

a. The danger that materials may be swept onto other property to the injury of others;

b. The danger to life and property due to flooding or erosion;

c. The susceptibility of the proposed facility and its contents to flood damage;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity of the use to a waterfront location, in the case of a functionally dependent facility;

f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

h. The safety of access to the property in times of flood for ordinary and emergency vehicles;

i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;

j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

i. Upon consideration of the factors listed above, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this ordinance.

ii. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below

the base flood level will result in increased premium as high as $25 for $100 coverage rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

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

CHAPTER 11
SUPPLEMENTARY DISTRICT REGULATIONS

Sections:

1101 Regulations Applicable to All Districts

A. Visibility at Intersections
B. Fences, Walls, and Hedges
C. Permitted Obstructions in Required Yards
D. Accessory Buildings
E. Principal Buildings Limitations
F. Subdivision or Reduction of Zone Lot
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H. Structures to have Access
I. Rear Yard Abutting a Public Street
J. Corner Lots
K. Future Street Lines
L. Special Provisions for the Continuance and Extension of Public Streets and Utilities through Development Sites Remaining in Single Ownership
M. Temporary Use Permits
N. Requirements for Home-Based Businesses
O. Outdoor Parking and Storage of Major Recreation Equipment
P. Temporary Portable Structure Regulations
Q. Accessory Dwelling Units (ADUs)
R. Agricultural Use of the Land
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T. Cluster Box Unit (CBU)/Mail Kiosk Regulations

1102 Off-Street Parking and Loading Requirements.
1103 Use Specific Standards
1104 Landscaping, Screening and Buffering
1105 Wireless Telecommunications Towers and Antennas
1106 Performance Standards

1101 Regulations Applicable to All Districts

A. Visibility at Intersections

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

B. Fences, Walls, and Hedges

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard except as prohibited in Subsection 1101 A above.

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

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

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

2. Fences and walls shall be erected outside of the right-of-way or any public or private road or manner of ingress/egress junction with said roadways, except erected by a government agency. All fence posts/supports shall be set into the ground a minimum depth of two (2) feet. If conditions on the property (e.g. rock) make it difficult to comply with this requirement, alternative measures may be utilized after consultation with the Planning and Engineering Department and the Department of Building and Codes. In any event, adequate measures shall be employed in order to ensure the long-term stability of the fence.

3. Permitted fences. The following types of fences are permitted in all zoning districts:
   - Masonry or stone walls
   - Ornamental iron
   - Chain-link
   - Wood or Vinyl
   - Other materials may be considered on a case by case basis

4. Prohibited Fences. The following types of fences are prohibited:
   - Fences constructed primarily or topped with barbed wire or razor wire, or deployed, raised, arranged or expanded in concertina form, except when used in conjunction with an agricultural use or purpose, non-residentially zoned property

or uses, and/or serving a public institution for public safety or special services.

- Fences carrying electrical current, except for the purpose of enclosing livestock for an agricultural use
- Fences constructed of readily flammable materials such as paper, cloth or canvas except for temporary fences required by law (e.g. drainage silt fencing)
- Fences or walls made of solid plywood, scrap lumber and insubstantial similar non-customary materials
- Fences or walls made of common concrete or cinderblock, unless finished with a masonry material.
- Fences, wall or hedges on any portion of any public right-of-way, except fences erected by a governmental agency

5. Fences shall be positioned so that all the support wood, posts, cross members, etc. will not be facing the street.

6. Five (5) feet of clearance shall be maintained between any fence and all sides of an electrical transformer, except the side of the transformer that is padlocked shall have a ten (10) foot clearance.

7. Five (5) feet of clearance shall be maintained between any fence and all sides of an electrical pedestal.

8. Maintenance. It is the responsibility of the owner of the property on which the fence is erected to maintain the fence structure in good repair at all times. If a fence is found to be in a deteriorated condition or in need of repair, including but not limited to broken or missing structural components, or the fence is substantially less that perpendicular to the grade, the property owner may be ordered to repair, replace or remove the fence depending on the condition of the fence. Such order shall be issued by the Director of Building and Codes pursuant to this ordinance.

9. Fences, walls or vegetation that interfere with clear vision (i.e. Vision Triangle, as defined by this Ordinance) at or near a public or private street, alley, driveway or other means of ingress or egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such ingress or egress are prohibited.

10. Fences, walls or vegetation so constructed or planted as to impede the natural water drainage and/or water runoff are prohibited.

11. Fences shall not be permitted in utility easements unless approved by the utility provider in writing. Fences shall not be permitted in drainage easements without the written consent of the County Engineer.

C. Permitted Obstructions in Required Yards

In all districts, the following shall not be considered obstructions when located within a required yard except these items shall comply with Subsections 1101 A and B.

1. In any required yard:

   a. Arbors and Trellises.

   b. Awnings or canopies projecting from a building wall over a window or door into the required yard not more than six (6) feet and having no supports other than provided by the wall or its integral parts.

   c. Gutters or downspouts projecting into or over required yards not more than twenty-four (24) inches

   d. Open fire escapes or staircase, the riser of which shall be at least fifty (50) percent open and whose vertical projection downward into a required yard does not project more than three (3) feet into, and not exceeding ten (10) percent of the area of the required yard

   e. Porches, bay windows and balconies projecting not more than forty-two (42) inches from an exterior wall.

   f. Flag poles having only one structural ground member

   g. Fountains

   h. Mail Boxes and CBUs/Mail Kiosks for centralized mail delivery

   i. Open Terraces, including natural plant landscaping

   j. Retaining walls

   k. Signs as permitted by the sign regulations contained in Chapter 12.

   l. Sculpture or other similar objects of art

   m. Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, ash trays, light standards, and directional signs

   n. In commercial and industrial districts, an overhead canopy that is open on all sides and fuel pumps may encroach into the required yard to within 20 feet of the street right- of-way

o. Uncovered ramps for the persons with disabilities provided they do not violate any other provision of this ordinance.

2. In any rear or side yard and located behind the principal structure:

a. Clothes poles or clotheslines

b. Recreation equipment

c. Garages and storage buildings provided that a five (5) foot setback from the property line is observed.

d. Open and uncovered decks projecting into the required rear yard to a maximum of within ten (10) feet of the rear lot line.

e. HVAC equipment, provided they are no closer than 18 inches to a property line

D. Accessory Buildings

No accessory building or structure shall be erected between the front lot line and the front wall of the principal building; unless the principle structure is setback more than sixty (60) feet from the front lot line; however no accessory building will be within the minimum required front yard of the district. In addition accessory buildings shall:

1. Be customarily incidental to the principal use established on the same lot;

2. Be subordinate to and serve such principal use;

3. The total area of structures including all detached accessory structures shall not exceed the maximum lot coverage allowed by the zoning district;

4. For all permitted residential uses, detached accessory buildings incidental to a permitted use shall be limited in size based on the table below. Square footage measurements of detached accessory structures shall include the entire structure, including any expandable areas accessed by a formal staircase (e.g. bonus rooms on a second floor), finished or unfinished:

Size of Parcel	Total Combined Square Footage for all Accessory Structures
1 acre or less	2,000 sq. ft.
More than 1 acre	5% of Lot Area

Buildings used for agricultural purposes are exempt from these totals. Storm shelters, Swimming pools, tennis courts and similar recreational activities are not considered to be buildings for the purpose of square footage calculations.

5. Shall not be located within five (5) feet of any side or rear lot lines and a detached accessory structure shall be considered attached for the purpose of setbacks if the accessory structure is within three (3) feet of the principle structure.

6. Shall not be constructed or established on any lot prior to the time of construction of the principal structure to which it is accessory. This section shall not be construed to govern the sequencing or phasing of a construction project in which both the principal and accessory structures are to be built simultaneously. Provided however; a non-commercial storage facility, garage, shed, workshop or other structure for the private use of the landowner may be constructed on a residentially zoned piece of property prior to the establishment of a principal structure subject to the issuance of a special exception by the Board of Zoning Appeals. These non-commercial structures shall comply with the following criteria:

   a. The size of the accessory structure must conform to the size limitations of Subsection 1101 D.4.

   b. The structure must meet all applicable setback, height and lot coverage regulations.

   c. Only one (1) structure will be permitted per parcel, excluding approved agricultural structures.

   d. The structure must not be used for any of the following activities:
      - Living quarters
      - Commercial activities
      - Storage for businesses that occur off of the property, including home-based businesses

   e. None of regulations listed in this section shall prohibit or restrict approved agricultural structures or uses as defined by this ordinance or state law.

7. Storm Shelters shall be subject to the following restrictions

   a. Storm shelters shall not be constructed in any public utility, drainage, public right-of-way, or roadway easement or right-of-way.

b. Storm shelters shall meet the bulk and location regulations for accessory buildings.

c. If the storm shelter is above ground and is bermed with fill material, the berm slope shall be no greater than 3 to 1. The slope of the berm shall not extend into the public right-of-way.

d. The construction shall comply with the latest edition of International Code Council (ICC) 500 storm shelter standards and shall require normal building permits and inspection.

8. Cargo Containers used for personal storage

a. Only one container shall be permitted per parcel in all Residential zoning districts where a residential dwelling unit is located.

b. Cargo containers are considered as Accessory Buildings and shall adhere to the requirements of this Section.

c. Cargo containers on residentially zoned properties shall be subject to the following restrictions:

i. Containers are to be used as storage only

ii. Containers are not to be used as shops, studios, hobby rooms, offices, lunchrooms, sales areas, playhouses, or other similar uses

iii. Containers are not to be used for storage of motorized equipment or passenger vehicles

iv. Containers are not to be stacked on top of each other

v. Container contents shall not be classified as a High-Hazard Group H occupancy

vi. Containers are not equipped with plumbing or electrical power or lighting

d. Cargo containers that have been modified for any purpose other than storage, including storage of fuel-powered equipment, motorized vehicles, etc., must meet all applicable regulations, including, but not limited to, building and fire codes and zoning.

e. Exterior wall covering is required for cargo containers placed on residentially zoned properties, which may consist of any product approved in *Section R703 Exterior Covering* of the adopted International Residential Building Code.

f. A building permit is required for all cargo containers.

E. Principal Buildings Limitations

In all residential districts not more than one (1) principal building shall be erected on any lot. This provision shall not apply to community facility activities or multi-family developments approved as a part of a site plan.

On residentially zoned tracts of land fifteen (15) acres or greater, one additional principal structure may be erected on a single lot provided yard, area and other requirements of this ordinance are met for each structure as though it were on an individual or separate lot.

F. Subdivision or Reduction of Zone Lot

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

No zone lot shall be reduced in area so that yards, lot area per dwelling unit, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

G. Exception to Height Regulations

The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. The height requirements for wireless communication towers are covered in Section 1105.

H. Structures to have Access

No building shall be erected on a lot that does not abut at least one public street for at least fifty (50) feet except for properties abutting a cul-de-sac, which shall abut the street for at least forty (40) feet. This rule shall not apply for lots created for the purpose of providing a Cluster Box Unit/Mail Kiosk for centralized mail delivery.

This section does not apply to properties whose access is provided by a private easement. However, when a permanent easement to a public street is used as access to a lot or tract of land that is separated by deed or plat from other property, such easement shall be consistent with the Rutherford County Subdivision Regulations.

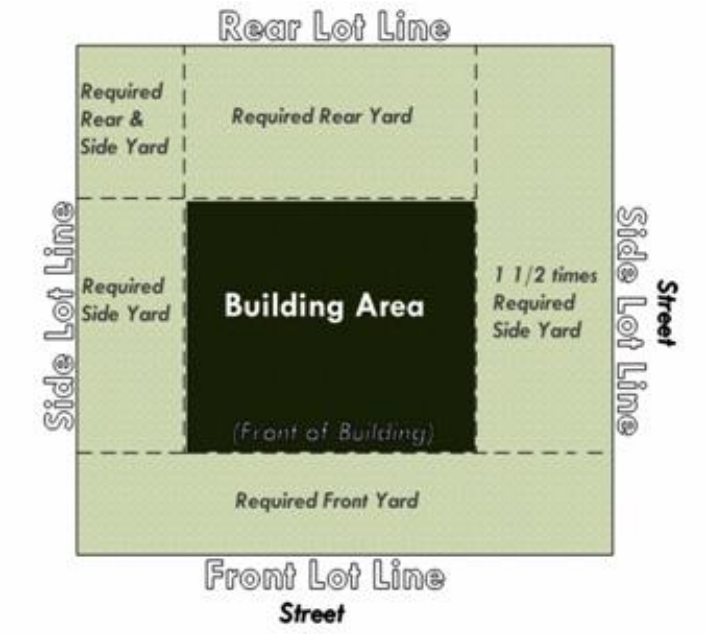
This section does not prohibit the development of buildings on lots or tracts with permanent access provided by private streets. The private streets and other improvements shall be approved by the Rutherford County Planning Commission and shall be in private ownership and control in perpetuity.

I. Double-Frontage Lots

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

J. Corner Lots

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



K. Future Street Lines

For the purpose of providing adequate space for the future widening of streets, newly developing properties will be required to dedicate right-of-way along the frontage of their properties consistent with the Long Range Transportation Plan for Rutherford County. Any required road improvements must either be constructed or money placed in escrow to the County for future construction in an amount to be determined by the County Engineer. Required setbacks or front yards shall be determined by the rights-of-ways as shown in the Long Range Transportation Plan for Rutherford County.

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

1. Purpose

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

2. Requirement for Site Plan and Plat

Within such developments as described above the following shall apply:

a. A site plan meeting the provisions of Chapter 14 shall be submitted and approved.

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

M. Temporary Use Permits

The following regulations shall govern the operation of certain necessary or seasonal uses, which are nonpermanent in nature and not accessory to the principal established use. Application for a temporary use permit shall be made to the Board of Zoning Appeals

as a Special Exception through the Planning and Engineering Office, unless otherwise provided in this section. Said application shall contain a graphic description of the property to be utilized and a concept plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, signage and parking space for the proposed temporary use. Area and bulk regulations of the district in which the use is proposed to be located shall apply. The Board may require additional standards to protect the public safety and to reduce any actual or potential adverse off-site impacts.

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

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

Renewals/Administrative Issuance

Renewals of Special Exceptions for Sales of Food or Merchandise, Seasonal Attractions, and Fireworks Sales Tents may be administratively issued by the Planning Director if certain standards are met. In the event the Planning Director has doubts regarding the compatibility of these uses with adjoining land uses, the Planning Director shall deny approval. Applicants who do not meet the standards listed in this section or whose Special Exception applications have been denied by the Planning Director may apply to the Board of Zoning Appeals as provided in Section 1408 of this Ordinance. The standards to be met for administrative issuance are as follows:

- Sales of Food or Merchandise, Seasonal Attractions, and Fireworks Sales Tents shall have obtained a Special Exception from the Board of Zoning Appeals or the Planning Director (i.e. previous renewal) within the twelve (12) month period immediately preceding the current application. Any variances previously granted to these applications during this time frame shall be applicable to the administrative approval as well, provided that the Planning Director determines that the variances have had no detrimental impacts. In addition:

- The current application for a Special Exception shall have the same applicant name as the previously-granted Special Exception.

- The current application for a Special Exception shall be for the same property (Tax Map, Group, and Parcel) as the previously granted Special Exception. The tent, sales yard, or other facility shall be placed in the same location on the property as indicated on the previously-granted Special Exception. In addition, the applicant for administrative issuance of a Sales of Food or Merchandise, Seasonal Attractions, or Fireworks Sales Tents must demonstrate compliance with all applicable standards in this Ordinance.

- The zoning district and bulk regulations for the location in the current application for a Special Exception shall be the same as the zoning district and bulk regulations for the previously-granted Special Exception.

- The length, width, and height dimensions of the tent, sales yard or other facility in the current application for a Special Exception shall be the same as the length, width, and height dimensions of the tent, sales yard or other facility in the previously-granted Special Exception.

- Sales of Food or Merchandise, Seasonal Attractions, and Fireworks Sales Tents shall not have been issued a citation, written warning, or fine by any law enforcement agency within the twelve (12) month period immediately preceding the current application. The applicant shall attest in writing that no such actions have been taken by any law enforcement agency.

- Sales of Food or Merchandise, Seasonal Attractions, and Fireworks Sales Tents and the property on which they are located on shall not have been issued a citation, written warning, or fine by any County, Regional, State of Federal department or agency for any violation of any zoning, building, fire or property maintenance code or regulation within the twelve (12) month period immediately preceding the current application. The applicant shall attest in writing that no such actions have been taken by any governmental department or agency.

1. Carnival, Circus or Fair

A temporary use permit may be issued in the CG District; however, such permit shall be issued for a period of no longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected.

a. A temporary use permit may be issued in any commercial district for children's rides and events provided that adequate parking and traffic circulation is available, any existing business operations will not be disrupted and subject to a maximum time period of seven (7) days.

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

3. Outdoor Performances

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

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

4. Seasonal Attractions
A temporary use permit for various seasonal attractions (corn mazes, haunted houses, Christmas tree sales, pumpkin patches, etc.) may

be issued in any district for a period of no longer than forty-five (45) days. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. (Seasonal Attractions allowed by right in the AR district do not require a temporary use permit.)

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

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

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

6. Community Events and Tent Assemblies
A temporary use permit for varied community and tent assembly events may be issued in any district for a period no longer than forty-five (45) days. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected.

7. Borrow Pits
A temporary use permit for borrow pits as defined may be issued in any district. The following provisions apply to any borrow pit not otherwise regulated by Title 59 of the Tennessee Code Annotated:

   a. A boundary survey of the subject property, together with the proposed location of the limits of excavation shall be submitted at the time of application.

   b. Borrow pits shall be set back a minimum of 50 feet from all property lines and 150 feet from any residential property line.

   c. Borrow pits shall not occupy or cover more than 25 percent of any lot area where the lot is under 10 acres. Borrow pits on property where the lot area is 10 acres or larger may not occupy or cover more than 10 percent of any lot area or 2.5 acres, whichever is greater.

   d. A drainage and erosion control plan must be submitted and approved by the County Engineer prior to commencement of excavation activities.

e. A road bond for an amount to be determined by the County Engineer along with a maintenance plan for the road shall be submitted prior to the commencement of extraction activities.

f. A reclamation plan shall be submitted to and approved by the County Engineer prior to commencement of excavation activities.

g. Prior to excavation, the owner and/or operator must obtain all federal, state and local permits, including but not limited to a Land Disturbance Permit required by the Rutherford County Storm Water Management Regulations.

h. Unless otherwise specified in the temporary use permit, permits for a borrow pit shall be valid for six (6) months with a one time, three-month extension that may be approved by the Planning Director.

i. No blasting in association with borrow pit operations shall take place on any property except between the following hours:
August 1 – May 31 – 8:00 AM to 5:00 PM
June 1 – July 31 – 7:00 AM to 6:00 PM

j. Excavation (excluding blasting) and hauling of material is limited to the hours between sunrise and sunset.

k. Dust control and erosion control measures shall be implemented on a continuing basis, for the duration of the activities permitted, to mitigate air pollution and prevent the deposit of mud, dust, and debris, on public roads.

l. The owner and operator of the borrow pit shall be jointly responsible for compliance with the requirements of this Section. Required licenses shall be issued to the operator of the respective borrow pit. Owners of the land shall receive a copy of the required license issued to the operator.

m. Within nine (9) months after completion of mineral extraction or after termination of the extraction/excavation permit, all equipment, vehicles, machinery, materials and debris shall be removed from the subject property.

n. Within six (6) months after completion of mineral extraction or after termination of the permit, the restoration plan shall be completed by the property owner/operator and the extraction/excavation permit shall be void.

o. Any material extraction that is for the sole purpose of approved agricultural activities where the extracted material

will not be sold, traded, bartered, etc. to another party or person are exempt from these provisions.

N. Requirements for Home-Based Businesses

1. Any home-based business shall meet the following general requirements:

   a. Home-based businesses must be conducted within a residential dwelling unit which is the bona fide residence of the principal practitioner or within an approved accessory building thereto which is normally associated with a residential use.

   b. No home-based business shall be permitted that changes the outside appearance or character of the dwelling unit.

   c. No display of stock-in-trade products shall be visible from the street.

   d. The equipment used by the home-based business and the operation of the home-based business shall not create any vibrations, heat, glare, dust, odors, noise, or smoke discernible at the property lines.

   e. Home-based businesses shall not create any electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use and/or store hazardous materials in excess of quantities permitted in residential structures.

   f. Delivery vehicles used to deliver goods to the home-based business are limited to passenger vehicles, mail carriers, and express carriers such as, but not limited to, UPS, Fed Ex or DHL.

2. Minor home-based businesses shall be permitted by right in any residential zoning district, including residential portions of approved planned developments.

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

   a. Minor home-based businesses shall have no more than one (1) nonresident employee on the premises at any one time. The number of nonresident employees working at locations other than the home-based business is not limited.

b. Minor home-based businesses shall not use more than 25 percent of the gross floor area of the principal structure. Minor home-based businesses conducted entirely within an approved accessory structure shall not use more than 500 square feet of the accessory structure.

c. Minor home-based businesses shall be limited to the parking/storage of one (1) business vehicle on the premises. Vehicles shall not be stored/parked in the front yard. For the purposes of this section, front yard shall be defined as the area from the front line of the dwelling unit to the property line. Vehicles with more than three (3) axles shall not be permitted on lots of less than two (2) acres.

d. Minor home-based businesses are not required to provide any additional parking beyond what is required for the residential use.

e. Minor home-based businesses shall not create more than five (5) customer/client visits in any one day and no more than two (2) customers/clients can be present at any one time.

f. The following activities shall not be approved as minor home-based businesses:

Automobile/vehicle repair
Kennels, veterinarian clinics/hospitals
Medical and dental clinics/hospitals
Restaurants, clubs, drinking establishments
Undertaking and funeral parlors
Retail sales as defined in Appendix A, not including goods made on premise
Adult Entertainment, as defined in Appendix A

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

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

h. Signage is not permitted.

3. Major home-based businesses shall be permitted only with the approval of a Special Exception by the Board of Zoning Appeals.

Standards for a home-based business special exception are found in Chapter 14.

O. Outdoor Parking and Storage of Major Recreation Equipment

1. General Standards

a. All equipment must be for personal use only and not associated with any business activity.

b. All equipment must be the property of the owner or resident of the dwelling unit.

c. Indoor storage (e.g. garages, enclosed carports, etc.) of equipment is allowed in addition to the outdoor storage limits outlined below, subject to all other zoning and building/fire code regulations.

d. Parking of recreational vehicles, watercrafts, or trailers is allowed on an existing driveway, provided that adequate parking areas exist to meet the requirements of Appendix D of this Ordinance (Off Street Parking Requirements).

e. The requirements of 1101 O.1. allow for each dwelling unit on property consistent with Section 1101 E., Principal Building Limitations, to park/store major recreation equipment consistent with this section.

f. Inoperable, dismantled, or unregistered recreational vehicles, watercrafts, all-terrain vehicles, or trailers are not allowed in residential zoning districts.

g. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot unless in accordance with Subsection 1101 P. below.

2. Accessory outdoor parking/storage of Major Recreation Equipment is allowed on all Residentially zoned lots, based on the size of the property as follows:

a. For properties less than an acre in size, no more than one of the following:

i. One watercraft and trailer for such watercraft, or

ii. Two all-terrain vehicles and trailer for such all-terrain vehicles, or

iii. One utility trailer, or

iv. One camping trailer or recreational vehicle per dwelling unit

b. Properties one acre through five acres may have one each of the items listed in O.2.a., or any combination thereof, not to exceed four items.

c. Properties larger than five acres may have multiple items of those listed in O.2.a.

P. Temporary Portable Structure Regulations

A temporary portable structure (i.e. portable on-demand storage unit) is defined as any structure enclosed by walls, with or without a roof, designed to be transported on its own wheels or on a flatbed truck or trailer and delivered to a site ready for occupancy or use for temporary purposes. This definition shall not include mobile homes as defined elsewhere herein, factory manufactured modular units that comply with the adopted building code, or cargo containers as defined in Appendix A.

1. In any residential zone, a temporary portable structure shall be an accessory use and used only for storage or removal of materials commonly incidental to the occupancy of the principal residential use.

a. No more than one (1) temporary portable structure may be utilized for temporary storage during remodeling or for household moves but shall be located on the premises no longer than sixty (60) days. One permit extension for no more than sixty (60) additional days may be requested and granted by the Planning Director. The Planning Director may authorize additional temporary portable structures on a case-by-case basis provided that all other regulations in the section are followed.

b. Temporary portable structures shall be located at least ten (10) feet from the front property line and any septic tank and field line areas, and at least five (5) feet from all other property lines. In residential areas, structures may be placed in the driveway of the principal use being served, provided that adequate parking space for at least two (2) vehicles is maintained.

2. In any residential zone, usage of one recreation vehicle or one camping trailer on a lot for living, sleeping or housekeeping purposes will only be allowed under the following circumstances:

a. Bona fide temporary instances of visiting relatives or invited guests not to exceed 14 days in any calendar year.

b. In cases where fire or natural disasters have occurred, subject to the following restrictions:

i. A temporary use permit may be issued for a period of six months;

ii. An additional six-month temporary use permit may be issued by the Building Codes Department after consulting with the Planning Director;

iii. The unit must be served by approved water, sewer and electric facilities;

iv. Consistent with the International Building Code, as adopted by Rutherford County, the unit must meet all building separation standards;

v. Residential use of the unit must be discontinued on the property upon the issuance of a certificate of occupancy for the principal dwelling unit.

c. In cases where the property owner desires to live on-site while the principal residence is being constructed or renovated, subject to the following restrictions:

i. A temporary use permit may be issued for a period of six months;

ii. A building permit for the construction/renovation of the principal dwelling unit must be issued prior to a temporary use permit being issued. The building permit must remain valid in order for the temporary use permit to remain valid;

iii. An additional six-month temporary use permit may be issued by the Building Codes Department after consulting with the Planning Director. A renewal shall be not be granted if a valid building permit is not in effect;

iv. Consistent with the International Building Code, as adopted by Rutherford County, the unit must meet all building separation standards;

v. The unit must be served by approved water, sewer and electric facilities;

vi. Residential use of the unit must be discontinued on the property upon the issuance of a certificate of occupancy for the principal dwelling unit.

3. In all non-residential districts, no temporary portable structure may be used for any kind of human occupancy. Such structures may be used for storage in zoning districts that permit outside storage as otherwise permitted herein provided all site planning standards are met.

4. In any district, the Director of Building Codes may issue a temporary building permit for a contractor's temporary office and equipment sheds that are incidental to a construction project. Such buildings or sheds shall be removed when the certificate of occupancy is issued for the reconstructed building or when the certificate of occupancy is issued for the last house in a new housing development.

Q. Accessory Dwelling Units (ADUs)

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

1. General Provisions for ADUs

Applications for an ADU must meet certain conditions. In no case, shall an Application for an ADU request an amendment to the following requirements.

a. The property owner must reside in either the principal structure or the ADU.

b. Only one ADU is allowed per lot in conjunction with a single family house. ADUs are not allowed in conjunction with duplex or multi-family dwelling units.

c. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.

d. Development tax fees will be required for the ADU.

e. Off-street parking, in addition to the off-street parking required for the single- family residence as required in Appendix D, shall be required for the ADU.

f. Prior to the issuance of a permit, a floor plan and/or architectural renderings must be submitted showing the proposed interior and exterior of the ADU.

g. Verification from the state of Tennessee Department of Environment/Division of Ground Water Protection that the

individual on-site wastewater treatment or septic system has the capacity to serve the ADU. Also, verification that the ADU can adequately be served by water and electric service providers must be provided.

h. Only one minor or major home based business may be conducted on a lot that contains an ADU. The business may be located in either the principal structure or the ADU.

2. Design and Occupancy Standards

a. The second unit must be occupied by family members as defined in Appendix A of this ordinance, or their invited guests.

b. Any new separate outside entrance serving the ADU shall not be visible from the right-of-way.

c. An ADU shall be designed to be compatible with the architectural design, style, appearance and character of the principal residence. The ADU must be consistent with or visually match the existing façade, roof pitch, siding and windows of the primary residence. Alternative exterior architectural characteristics may be approved by the Planning Director.

d. A separate driveway providing exclusive access to the ADU from a road shall not be allowed unless problematic lot-specific circumstances (e.g. topography, significant existing structures or improvements) necessitate separate driveway access as determined by the Planning Director.

3. Particular Standards for By-right ADUs

a. Attached

i. ADUs attached to the single-family dwelling are limited to an area totaling less than fifty (50) percent of the gross floor area of the principal structure or 300 square feet, whichever is greater.

ii. Must maintain the setback requirements of the underlying zoning district for principal structures.

iii. A minimum of one (1) acre of land area is required.

b. Detached

i. Detached ADUs shall be considered attached for the purposes of setbacks if the accessory structure is

within three feet (3') of the principal structure. Otherwise, detached ADUs may be located in the side or rear yard of a lot and provide a five feet (5') minimum setback from the side and rear property lines.

ii. Detached ADUs may be established within an existing, legally established accessory structure which meets the current adopted building code for residential structures in Rutherford County.

iii. The size of the dwelling unit will be subject to the square footage limitations for accessory structures listed in the table found in Subsection 1101 D of this ordinance and such unit shall in no case exceed the size of the principal structure. An ADU must however, provide the minimum area requirement of 300 square feet as required by the building codes currently in effect for Rutherford County for a dwelling unit.

iv. A minimum of one (1) acre of land area is required.

c. Agricultural employee housing shall only be required to comply with those standards contained in Subsection 1101 Q.1 and Q.2. deemed applicable by the Planning Director. An agricultural employee housing unit located within an agriculture building is limited to an area totaling less than twenty-five (25) percent of such building or 300 square feet, whichever is greater. The agricultural housing unit must be built according to the adopted building code for Rutherford County.

4. ADUs Requiring a Special Exception.

a. Special Exception Required.

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

i. The criteria set forth in Subsection 1101 Q.2 and Q.3 above cannot be met.

ii. Applications for an ADU involving a mobile home.

b. The Board of Zoning Appeals may impose additional standards or use conditions beyond those enumerated above if deemed necessary by the Board.

5. Existing ADUs

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

6. Abandonment of an ADU

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

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

b. The kitchen facility must be removed from the ADU so that it is no longer a self-sufficient unit.

c. Inspections from the Department of Building and Codes will be required to ensure that all regulations are followed.

d. An instrument is recorded in the register's office stating that the ADU no longer exists.

R. Agricultural Use of the Land

For any land that was used for agricultural purposes as of the date of the adoption of this ordinance, zoning regulations may not be used to interfere in any way with the use of such land for agricultural purposes as long as the land is used for agricultural purposes. (TCA § 6-54-126) Any agricultural use proposed to be established after the date of adoption of this ordinance shall comply with the provisions for such use as provided herein. Within the all districts, all barns, sheds, silos or other buildings used exclusively for agricultural purposes are exempt from the bulk or yard requirements, and no building permit is required.

S. Traffic Impact Study Requirements

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

2. When a Traffic Impact Study is Required
A traffic impact study to assess the transportation impacts of a zoning amendment application, special exception application, subdivision application, or site plan application shall be required when:

a. The expected number of trips generated by the proposed development exceeds 100 peak hour vehicle trips per day as defined by the Institute of Transportation Engineers (ITE) Trip Generation informational report or by a trip generation study of comparable land uses prepared by a qualified and experienced transportation professional.

b. A zoning or land use change is requested that will result in a more intensive trip generating use that exceeds 100 peak hour vehicle trips per day as defined in 1101S.2.a above.

c. The County Engineer or Planning Director has specific concerns about adjacent or nearby roadways and intersections, site access, and/or safety issues.

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

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

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

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

a. Study methodologies and assumptions

b. The study area limits

c. The horizon year(s) to be analyzed

d. The time periods to be analyzed

e. County staff and/or neighborhood sensitivities

f. Other approved developments in progress in the study area

g. Planned roadway improvements within the study area

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

5. Traffic Impact Study Contents

A traffic impact study should include the following components:

a. Executive Summary
The executive summary will include a description of the study area and proposed development/project, a summary of the primary findings of the study, and identification of conclusions, recommendations, and mitigation measures for the project.

b. Introduction
The introduction will include the purpose and objectives of the study and a general description of the project proposal and location. The process and methodology used within the study should be summarized in this section.

c. Project description
The project description will include information about the proposed project's location as well as information related to the current zoning or existing development on site and any proposed rezoning or site modifications that will be necessary to complete the project. The schedule for project completion or information about development and construction phases should be specified in this section.

d. Existing conditions
The existing conditions section will include information related to the land uses and transportation system within the study area limits. The land use summary will describe the different uses and zoning that surround the project and any other uses that are present within the study area limits. Information related to the transportation system will include a description of the existing roadways and plans for any roadway improvements, presentation of existing traffic volumes in the study area limits, and discussion of any other applicable components such as transit services and pedestrian or bicycle facilities.

e. Background traffic conditions
Background traffic will consist of two specific components. A growth rate based upon historical traffic count information from ADT counts within the vicinity of the study area will be used to adjust existing traffic volumes to account for population growth and general small-scale development. Traffic projections for approved projects that have not yet been constructed will be included in the background traffic forecast. The approved by not yet constructed projects will be identified by the County staff. Background traffic volumes within the study area limits will be presented within the traffic impact study.

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

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

h. Future traffic conditions
Future traffic conditions will consist of the existing traffic volumes, the background growth due to population growth and general small-scale development, and the site traffic based upon the project trip generation and distribution.

Future traffic volumes within the study area limits will be presented within the traffic impact study.

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

i. Capacity analysis
Analysis of intersection operations will include determination of level of service (existing, background, and future conditions) and review of queue lengths. Queue lengths that exceed the provided storage capacity of a turn lane or that will block an adjacent intersection should be noted in the traffic impact study. If applicable, roadway segment analysis will be conducted for locations within the study area as established at the scope determination meeting. Capacity analysis output reports will be included in the appendix of the traffic impact study.

ii. Turn lane warrant analysis
Warrants for left and right turn lanes will be checked at site access locations and at other unsignalized intersections within the study area limits. For left turns, use M.D. Harmelink's Volume Warrants for Left-Turn Storage Lanes as Unsignalized Intersections methodology found in the TDOT Roadway Design Guidelines (page 2-28 to 2-37) and in NCHRP Report 457 (figure 2-5) to determine if left turn lanes are needed. For right turns, use NCHRP Report 279 (page 64-65) or NCHRP Report 457 (figure 2-6) to determine if right turn lanes are needed.

iii. Traffic signal warrant analysis
Traffic signal warrants will be checked if a traffic signal is proposed for an intersection in the study area limits that will provide access to the project or as an off-site mitigating measure improvement. Signal warrant analysis will be performed using the volume-related signal warrants listed in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).

iv. Safety review
New driveways and roads (public and private) that will provide access to the project should have the intersection sight distance checked at all intersections with existing roadways. Address any sight distance

issues based on the intersection sight distance and stopping sight distance criteria as described in the AASHTO book, A Policy on Geometric Design of Highways and Streets. If a documented, high crash location is in the study area, it will be evaluated when adequate information for analysis is readily available. Qualitative observations and future traffic condition impacts will be identified as part of the safety review for the study area.

v. Site access, circulation, and parking review
The project site plan will be reviewed for items related to access, circulation, and parking will be identified. These items include driveway spacing, throat lengths, drive/aisle geometry, on-site parking, and access circulation for automobiles and trucks.

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

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

a. Signalized Intersections will maintain at least an overall level of service D. Individual turning movements will be maintained at level of service E or better.

b. Unsignalized intersections will maintain level of service D or better for individual turning movements. For any unsignalized intersection with individual turning movements operating at a level of service E or F, measures to improve the traffic operations to LOS D or better will be evaluated. These measures may include the addition of turn lanes, a change to the type of intersection traffic control, or other appropriate improvements.

c. Where applicable, roadway segment analysis will maintain level of service D. For roadway segments operating at level of service E or F, measures to improve the traffic operations to LOS D or better will be evaluated.

T. Cluster Box Unit (CBU)/Mail Kiosk Regulations

1. Installation of CBUs, as well as any associated improvements (e.g. shelters, lighting, and other related amenities), hereinafter CBU related improvements, shall be the responsibility of the developer.

2. Approval and installation of all CBU related improvements must be completed prior to the initial final plat being recorded for the development creating residential building lots.

3. The establishment of a homeowners' association is required in developments with CBU related improvements. Maintenance of all CBU related improvements shall be the responsibility of the homeowners' association.

4. CBU related improvements not part of a designated amenity area shall be on their own lot. Lot area does not have to meet the minimum area of the district, nor do typical setbacks or lot frontage apply, subject to Sections 404 B., 1101 C.1., and 1101 H. of this Ordinance, respectively.

5. CBU related improvements shall be prohibited within the public right-of-way or in any utility easement unless written permission is granted by the easement holder.

6. CBU related improvements shall not be located within the vision triangle as defined in this Ordinance (Appendix A), as determined by the Rutherford County Planning and Engineering Department.

7. A site plan for the CBUs shall be submitted simultaneous with preliminary plan submittal for review and approval. Site plans for CBU related improvements in designated common areas can be submitted simultaneously with a site plan for the common area, consistent with Section 1404 of this Ordinance. The Rutherford County Planning and Engineering Department shall have the authority to approve CBU related improvements based on the unique factors for each development. These factors can include, but are not limited to, the number of CBU locations in the development and the maximum number of mailboxes at a CBU.

   Site plans for CBUs not within designated amenity areas shall include the following elements:

   a. Landscaping: Improvements shall be landscaped consistent with Section 1104 F. Landscaping Requirements for Parking and Vehicular Use Areas

   b. Lighting Plan: Security lighting is required and should be designed consistent with Section 1106 B.7. of this Ordinance

   c. Parking: These improvements shall be located in areas that will best allow for vehicle stacking or parking without creating pedestrian safety or vehicle safety issues. Access and parking shall be designed consistent with the regulations in Section 1102 of this Ordinance.

   Required parking shall be provided according to the chart below:

Number of Lots/Mailboxes	Parking Spaces Required
50 or fewer	2
51 to 100	3
101 to 200	4
201 and above	5

Parking spaces may be provided in a dedicated parking area or within a bulb-out along the right-of-way, subject to approval by the Rutherford County Planning and Engineering Department and Highway Superintendent, or a combination of both. CBU related improvements that are located in designated amenity areas may utilize the off-street parking provided. Parking areas and access to the CBUs shall be compliant with current Americans with Disabilities Act (ADA) standards.

8. CBUs and associated improvements shall be exempt from the normal setback requirements prescribed in this Ordinance.

9. CBUs and associated improvements must be installed according to USPS standards and must meet all applicable building and fire codes.

10. Address numbering on each dwelling unit shall comply with the adopted building code for Rutherford County. A monument, pole, or other sign depicting the street address is also strongly encouraged, the location of which shall be consistent with Chapter 12 of this Ordinance.

1102 Off-Street Parking and Loading Requirements

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

The provisions of this section apply to all activities as set forth in this ordinance. The minimum parking requirement for each activity is presented in Appendix D.

A. General Provisions

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

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

The Planning Director shall determine the parking standards for uses not specifically listed in Appendix D, by one of the following methods. Evaluate the proposed use based on the standards for the closest comparable use or by reference to standard parking resources published by the National Parking Association or the American Planning Association; or the applicant may submit a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scales, bulk, area, type, or activity, and location.

B. Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one lot provided that the uses will not overlap in hours of

operation or in demand for the shared spaces. Justification may include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

C. Off-Site Parking Requirements

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

1. Such spaces are not located within a residential or agricultural district unless the use is permitted in such districts; and

2. There is no way to arrange such spaces on the same zone lot as such use; and

3. Such spaces are located to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage; and

4. Such spaces are located no farther than 400 feet from the main entrance of the use being served by the off-site parking; and

5. Such spaces are in the same ownership as the use to which they are accessory and necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use or such spaces are covered by a lease agreement.

D. Special Provisions for Handicapped Parking

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

1. Number of Spaces Required

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

501 to 1000	2% of total		

2. Dimensions and Location of Spaces

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

3. Signage

All handicapped parking places shall have signage meeting ADA requirements.

E. Off Street Parking Lot Design Standards

1. Design Objectives

Parking areas shall be designed with careful regard given to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of the overall site design. All parking areas shall be landscaped in accord with the requirements contained in Section 1104.

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

2. Submission of Site Plan

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

3. Access Regulations

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

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

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

Single-family and duplexes – Two (2) feet

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

Residential uses: At discretion of Engineering Department

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

c. Drainage. All driveways culverts shall be sized for the amount of stormwater necessary. Such pipes shall be a minimum of 15 inches and may be larger as determined by the Engineering Department. All materials must be approved by the Highway Department.

4. Surfacing & Border Barriers

All off street parking areas with the exception of one or two family dwellings shall be surfaced with asphalt, concrete, or other hard-surfaced dustless material and so constructed to provide for adequate drainage for both on and off site and to prevent the release of dust. In no case shall drainage be allowed to cross sidewalks. Where appropriate, pervious pavement and grass pavers may be substituted subject to the approval of the Planning and Engineering Department.

All off-street parking areas shall be provided with a rail, curb, fence, wall, earth berm, or other continuous barrier of a height sufficient to retain all cars completely within the property together with appropriate landscaping except at access driveways. Where appropriate and where the design incorporates low impact drainage techniques, the drainage plan may allow storm water to flow into landscape islands subject to the approval of the Planning and Engineering Department.

5. Parking Spaces

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

6. Maneuvering Space

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

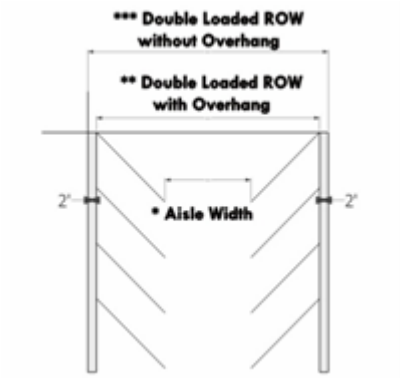
7. Slope in Parking Areas

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

F. Off-street Loading and Unloading Requirements

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

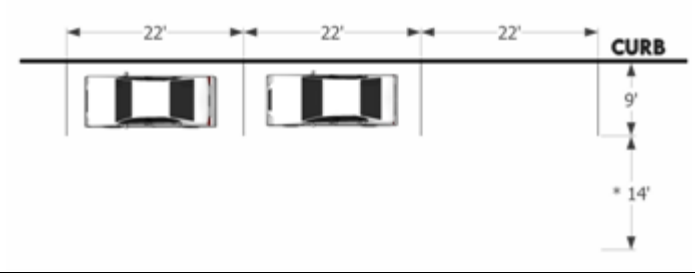
TOTAL USABLE FLOOR AREA	SPACE REQUIRED
0 to 9,999 square feet	One (1) space
10,000 to 14,999 square feet	Two (2) spaces
15,000 to 19,999 square feet	Four (4) spaces
Over 20,000 square feet	Three (3) spaces, plus one (1) additional space for each additional 20,000 square feet



Parallel

* 14'

** 32'

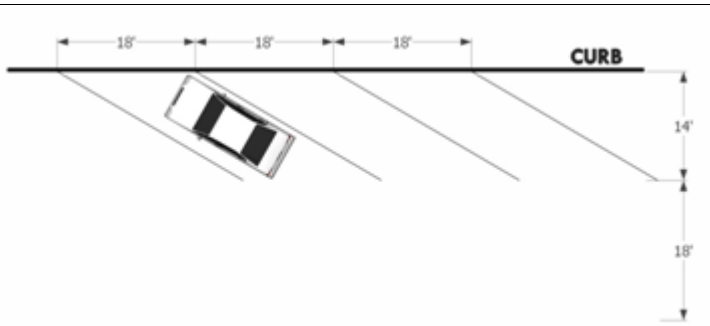


30 Degree Angled Parking

* 18'

** 46'

*** 50'

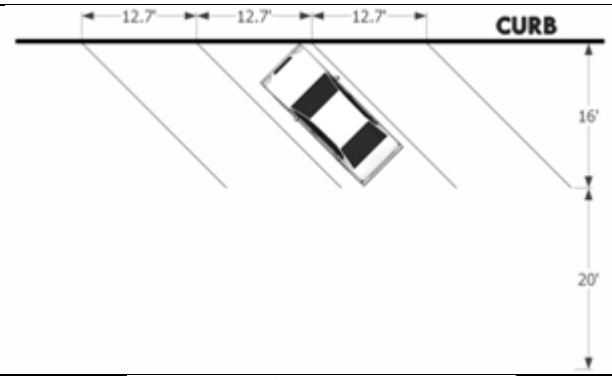


45 Degree Angled Parking

* 20'

** 52'

*** 56'

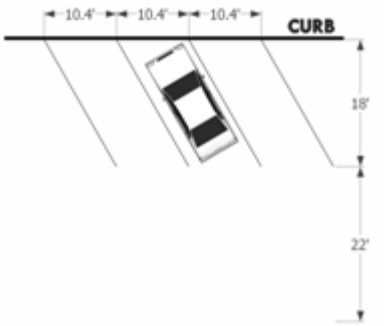


60 Degree Angled Parking

* 24'

** 60'

*** 64'

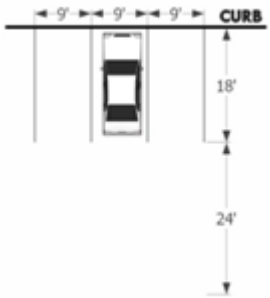


90 Degree Angled Parking

* 24'

** 60'

*** 64'



1103 Use Specific Standards

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

A. Residential Activities

1. Mobile Homes

a. Approval process shall be determined by the chart in Appendix B. – Dwelling, Mobile Home.

b. The frame, wheels, crawl space, and utility connections of the mobile home shall be concealed from view by skirting made of durable all-weather construction material that is consistent with the exterior of the mobile home.

c. A modular home or manufactured home (a double-wide) shall be considered the same as a single family dwelling for the purpose of this Ordinance.

d. These standards do not apply to approved Mobile Home Parks.

2. Bed & Breakfast Homestay

a. The owner of the property or the business owner must reside permanently in the home. If there is more than one (1) owner, the owner with the largest share of the ownership shall reside permanently in the home. If two (2) or more owners own equal shares, at least one (1) of the owners shall reside permanently in the home

b. The design of the parking spaces and their number and location shall also take into account the owner's parking spaces. Large expanses of paved area shall be avoided. No more than two (2) such spaces shall be located in the front yard.

c. A maximum of four (4) guest rooms shall be available for rent, and such rooms shall not occupy more than fifty (50) percent of the total habitable floor area. A guest register shall be maintained and made available to the Building Inspector or other enforcing officer.

d. Meal service shall be limited to breakfast and shall be restricted to overnight guests only. No cooking facilities shall be available in any guest room.

e. The maximum length of stay for any guest(s) shall be fourteen (14) consecutive days.

f. The building shall comply with the International One- and Two-Family Dwelling Code and shall be inspected prior to occupancy by the Director of Building Codes and the Fire Chief or other enforcement officials. In the event the home is a historic building the Board may consider the varying the strict application of the code requirements as long as the safety of the guests is not compromised

B. Community Facility Activities

1. Essential Services

a. All such facilities shall have a minimum fifty (50) foot setback line from any public street or residential lot line.

b. A type II bufferyard shall be provided around the perimeter of the site on which the facility is proposed to be located.

c. When an Essential Service activity is a sewer or a water pump station, no special exception or review is required.

2. Cemetery

a. The zone lot on which the cemetery is located shall be a minimum of 5 acres in size.

b. All grave sites are a minimum of 50 feet from any property line.

c. The site does not obstruct the development of any street proposed on the Rutherford County Long Range Transportation Plan.

C. Commercial Activities

1. Recycling Drop off Centers

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

b. The station shall be kept free of litter and debris.

c. The receptacles shall not obstruct or block access to required parking spaces or aisles.

d. The receptacles shall not be located within any required yard and shall be setback from any residential district by at least 100 feet.

e. The area shall be used exclusively for collection and shall not have any processing equipment on-site.

2. Adult Entertainment

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

a. No adult entertainment activity shall be located within one thousand (1,000) feet of a residentially or institutionally zoned district, the property line of a lot devoted to any residential or community facility activity (excluding extensive impact facilities), any business licensed or permitted to sell beer or intoxicating liquors or any other adult entertainment activity or use. The distance requirement specified herein shall be measured in a straight line from and to the nearest lot lines of the respective premises without regard to intervening structures or objects.

b. A certified and signed survey prepared by a licensed surveyor or engineer showing distance measurements in accordance with a. above to all listed uses shall be submitted with any application for a special exception permit for an adult entertainment activity

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

3. Mini warehouses

a. There shall be provided along the entire site boundaries fencing, screening, and landscaping in accordance with

Section 1104. When the outdoor storage of boats, campers and trailers is to be accommodated on the site, the fencing and screening heights shall be increased to completely screen from public view the boats, campers and trailers.

b. The use of buildings in which the exterior facade is of one hundred (100) percent metal construction shall be prohibited with the buildings which face a street having a minimum of fifty (50) percent brick or stone;

c. No individual storage unit may be used for sleeping or housekeeping, any business operation or for music and band operations.

d. All buildings shall be separated by a minimum of twenty (20) feet;

e. The setback for such activities (i.e. buildings and outdoor storage) shall be a minimum of sixty-five (65) feet, provided that if there is access on only one side of the building, the setbacks of the district can apply. The buildings may be used as part of the required buffer if the design and appearance is approved by the Board of Zoning Appeal or Planning Commission, as applicable, consistent with Section 1104 of this Ordinance;

f. An apartment on site may be permitted for security purposes;

g. The maximum size of an individual storage unit shall be five hundred (500) square feet;

h. The facilities shall be designed to discourage the use by and generation of heavy or semi-truck vehicles.

4. Child Care Centers

a. An on-site, off-street area shall be provided for vehicles to load and unload passengers.

b. Facilities for vehicular parking access to and from the site of the child care center shall be arranged to permit vehicles to exit from the site without backing onto any street or sidewalk and shall meet the standards included in Section 1102 of this Ordinance.

c. Day care centers must demonstrate that adequate wastewater capacity exists to serve the proposed use.

d. All regulations for child care facilities enforced through other agencies, including but not limited to the Tennessee Department of Human Services and the Tennessee State Fire Marshal's Office, must be met.

D. Industrial Activities

1. Scrap Operations

a. There shall be a minimum lot size of 10 acres.

b. All aspects of a scrap operation shall conform to all applicable State and Federal regulations including, but not limited to Title 54, Chapter 20 of the Tennessee Code Annotated.

c. The scrap operation and any structures associated with the scrap operation use shall be set back a minimum of 150 feet from the property line of any non-industrial use.

d. Exterior junk piles shall not exceed 15 feet in height and shall be arranged in a manner (with drives for accessibility) for fire protection purposes.

e. No burning of junk or other materials shall be permitted.

E. Agricultural Activities

1. Agricultural Tourism

a. Agricultural tourism shall be directly associated with an on-going agricultural use on the same lot or on a parcel adjacent to the agricultural use.

b. Access and parking areas must be approved by the Planning and Engineering Department. At no time shall there be parking in the right-of-way.

c. Outside events shall be concluded no later than 10:00 p.m.

d. If public address system is to be utilized, no sound shall be audible from the property line.

e. Farm stands shall not be located in any required yard or easement.

2. Farm Winery and Vineyard

a. The owner shall obtain all applicable licenses from the State of Tennessee.

b. Farm Wineries shall have a minimum lot area of 10 acres.

c. A minimum of 3 acres of the winery site shall be utilized and maintained for growing grapes or other crops used in wine production.

d. Facilities for selling, fermenting, and or bottling wine shall not be in operation until the vineyard has been established.

e. All buildings, parking, and loading area shall be setback a minimum of 100 feet from any property line.

f. The total floor area of all buildings used for processing/bottling, tasting, sales, wine storage, or office space shall not exceed 25,000 square feet.

g. The following accessory uses and activities are permitted in conjunction with a farm winery:

i. Where permitted by the State or Federal law, on-premise wine tasting and the sale of wine and wine related products.

ii. Daily tours of the property during daylight hours.

iii. Attendance at special events limited to 100 people. Outdoor events shall be complete during the daylight hours. Events larger than this size must comply with the Temporary Use standards in Subsection 1101 M.

3. Equestrian Facilities

a. Equestrian Facilities shall have a minimum lot area of 5 acres.

b. The following minimum setbacks shall be provided:

i. Outdoor corrals, riding areas, piles of manure, feed, and bedding shall be setback a minimum of 100 feet from the property line.

ii. All roofed structures shall be a minimum of 150 feet from the property lines.

iii. Pastures may extend to any property line.

c. If public address system is to be utilized, no sound shall be audible from the property line.

d. Attendance at special events is limited to 100 people. Events larger than this size must comply with the Temporary Use standards in Subsection 1101 M.

1104 Landscaping, Screening and Buffering

A. Purpose

The purpose of this section is to provide landscaping regulations that will enhance the environment and visual character as development occurs within the county. The preservation of existing trees and vegetation, and the planting of new trees and vegetation will protect public and private investments, and promote high-quality development. Areas of transition will be created between land uses, in order to minimize adverse visual impacts, noise, light and air pollution. Therefore, this section requires landscaping to be planted in order to:

1. Encourage the preservation of existing trees and vegetation and replenish vegetation that is removed;

2. Facilitate the creation of attractive and harmonious communities with the intent to enhance property values;

3. Improve the visual quality of the county by minimizing the negative impacts of development;

4. Reduce environmental impacts, such as, noise, air and light pollution, reduce stormwater runoff and decrease soil erosion, improve soil and water quality, protect wildlife habitat, and reduce heat convection from impervious surfaces;

5. Minimize conflicts between land uses, reduce visual impacts to adjoining properties and public rights-of-way, create a transition between dissimilar land uses, promote and preserve the character and value of an area, and provide a sense of privacy;

6. Establish standards for the location, spacing, quantity, type, size, protection, planting and maintenance of landscape materials in order to accomplish the objectives listed above.

B. Applicability

1. This section does not apply to agricultural structures, single-family or two-family detached dwelling units and residential subdivision developments.

2. New Development. No new building, structure or development shall be constructed, or parking area created, unless landscaping is provided as required in this section.

3. Changes to Existing Buildings, Structure, and Developments. The requirements of this section shall apply to existing buildings, structures, and developments under the following circumstances:

    a. If the estimated cost of a renovation, addition, or alteration of an existing building, structure or development equals 50% or more of the total assessed value of the existing building, structure, or development (including land), then the entire building, structure, or development including parking area shall comply with the requirements of this section. The value shall be determined from official county records. In the absence of an appropriate assessed value in the official county records, an appraisal performed by a licensed appraiser may be accepted.

    b. If there is change in uses of an existing building, structure, or development, which requires rezoning of the property to allow the new use, then the entire building, structure or development including parking area shall comply with the requirements of this section.

    c. If the number of existing parking spaces is expanded by 50% or more, the entire parking lot shall comply with the requirements of this section.

    d. If the number of existing parking spaces is expanded by 25% to less than 50%, then the area of expansion shall comply with the requirements of this section.

    e. If a new and separate building, structure, development, or parking area is constructed on the same lot of record as an existing building, structure, or development, only the separate and new building or parking area must meet the requirements of this section.

C. Definitions

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

1. Buffer Yard: A transitional space which consists of horizontal space (land) and vertical elements (plants, berms, fences, or walls) for the purpose of physically separating and visually screening adjacent land uses that are not fully compatible.

2. Caliper: A measurement of the diameter of a tree trunk measured 6" above the ground on trees less than 4" in size and 12" above the ground on trees larger than 4".

3. Critical Root Zone: A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival.

4. Deciduous: Those plants that annually lose their foliage.

5. Disturbed Area: The area of land where grading, excavation or other construction activities will take place on a site.

6. Evergreen: Those plants that retain their foliage throughout the year.

7. Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

8. Tree, Ornamental: A small to medium tree, growing 12 feet to 25 feet at maturity often used for aesthetic purposes such as colorful flowers, interesting bark or fall foliage.

9. Tree, shade or canopy: A large tree growing over 25 feet in height at maturity, usually deciduous, planted to provide canopy cover shade.

10. Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. These plants may be deciduous or evergreen.

D. General Requirements

1. Landscaping Plan Requirements

A separate landscaping plan will be required as part of the site plan review process established in Chapter 14 of this ordinance. A licensed landscape architect shall be required to draw and stamp the landscaping plan if the total floor area of all buildings exceeds 50,000 square feet in size or the applicant is seeking an alternative method of compliance as described in Subsection 1104 I of this section. The plan shall include:

a. Project information including the total square footage of the property, the total linear feet of property lines, the square footage of the building areas, parking and other vehicular use areas;

b. Each project's calculations, i.e., dimensional attributes and resulting amount of planted areas;

c. Location of proposed buildings, parking areas, and access points including required vision triangles including a note that the landscaping plan shall be reviewed when designing the lighting plan in order to avoid conflict;

d. Location, size and type of planting material, both existing and proposed;

e. If applicable, a tree preservation plan with methods and details for protecting existing plants with critical root zones designated and established in order to receive tree credits;

f. Location and description of other improvements such as berms, fences, and walls;

g. Location of hose attachment or note that a permanent automatic irrigation system, designed/ built by an experienced designer and/ or contractor, shall be provided for all proposed landscape beds;

h. Location of utility and drainage easements;

i. Zoning designation of the subject property and the adjacent properties.

2. Prohibited Plants

Landscape plans shall not include any tree on the "do not plant tree list" with the exception of existing trees on the site which may still be considered for tree credits under Subsection 1104 G. The "do not plant tree list" shall be maintained on file in the Planning Department.

3. Plant Size and Spacing Requirements

a. At the time of planting, shade trees must be a minimum of 2 inches in caliper, ornamental trees must be a minimum of 1.5 inches in caliper and evergreen trees must be a minimum of 6 feet tall.

b. At the time of planting, shrubs used in the parking and vehicular use areas must be a minimum of 18 inches tall with the following exception; up to 30% of the required shrubs may

have a minimum height of 12 inches tall at the time of planting. Shrubs used in the parking and vehicular use areas shall be able to achieve a minimum height of 3 feet, except for plants within the vision triangle.

c. At the time of planting, shrubs used in the buffer yard areas must be a minimum of 24 inches tall. Shrubs used in the buffer yard shall be able to achieve a minimum mature height of 6 feet.

d. Shade trees shall have a minimum horizontal separation from other required shade trees of 40 feet.

4. Utility and Drainage Easements

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

5. Vision Triangle

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

6. Mixture of Plants

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

7. Fractions of Plant Material

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

E. Buffer Yard Requirements

Certain land uses, because of their character and intensity, may create adverse impact on less intensive and varied adjacent land uses. Accordingly, the following regulations are established to protect and

preserve the appearance, character and value of property throughout the County. Buffer yards are required where the development of a higher impact use abuts a lower impact use, as classified in Subsection 1104 E.1 and E.2. Three levels of buffer yards have been established and described in Subsection 1104 E.3.

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

1. Impact Classification

   a. No Impact: All permitted uses in the following zones are considered to have no impact, unless a specific use is listed elsewhere; AR, RL, and RM.

   b. Low Impact: All permitted uses in the following zone are considered to have low impact, unless a specific use is listed elsewhere; RMF, IN, OP, and CN.

   c. Medium Impact: All permitted uses in the following zones are considered to have medium impact, unless parking total exceeds 450 spaces or a specific use is listed elsewhere; CS, CG, EAC and MHP.

   d. High Impact: All permitted uses in the following zones are considered to have high impact, unless a specific use is listed elsewhere; LI and HI.

2. Buffer Yard Type

   Required buffer types are determined according to the following table:

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

Medium	None	None	None	Type 1
High	None	None	None	None

3. Planting and Location Requirements

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

Minimum Buffer Requirements for Every 100 Feet of Buffer Yard			
Buffer Type	**Average Buffer Width (feet)**	**Minimum Buffer Width (feet)**	**Plant Material**
Type 1	15	7.5	3 Evergreen Trees 2 Ornamental Trees 10 Shrubs
Type 2	30	15	5 Evergreen Trees 4 Ornamental Trees 20 Shrubs
Type 3	50	25	8 Evergreen Trees 5 Ornamental Trees 40 Shrubs

a. Reduction of Plant Material: A wall or solid fence, a minimum of 6 feet in height, constructed of masonry, rock, pressure treated lumber, or vinyl, may be used to reduce the amount of buffer yard plant material and width as follows:

i. Type 1 buffer yard may be reduced to minimum buffer width and no shrubs shall be required.

ii. Type 2 and 3 buffer yards may be reduced to minimum buffer width, the amount of trees may be reduced by 50%, and no shrubs shall be required.

The wall or solid fence must adhere to the fence standards in Subsection 1101 B of this ordinance.

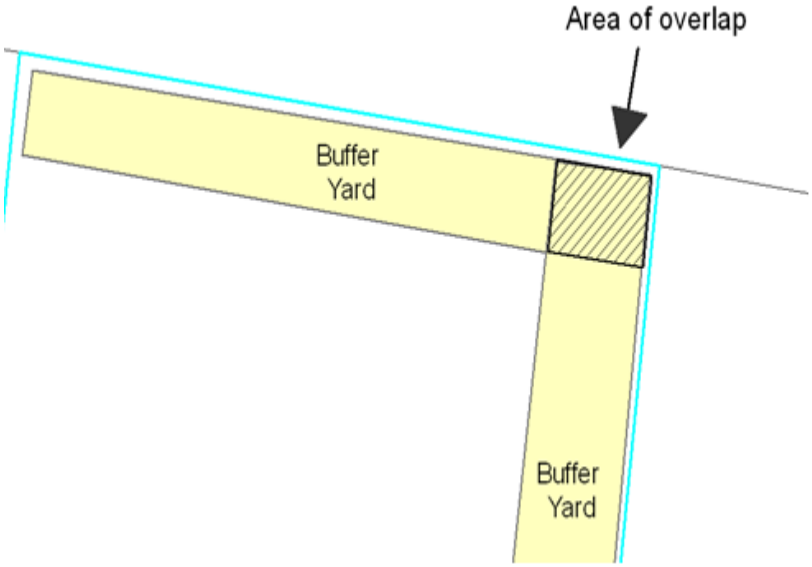
b. Allowable Design Variations: The landscape buffer yard is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the planting area, shall be considered. The edges of the landscape buffer yard may meander provided that:

i. The total area of the yard is equal to or greater than the total area of the required landscape buffer yard; and

ii. The yard measures no less than the minimum width permitted by the applicable buffer yard standard at all points along the perimeter of the property line requiring a landscape buffer yard.

c. Varying Zone/ Use Classifications: When a single property line is adjacent to multiple zone/use classifications, the most restrictive buffer yard will be required for the entire property line. (For example if the proposed use is a medium impact and along one side of the property is medium and low impact uses, then a Type 1 buffer yard would be required.)

d. Area of Overlap: When required buffer yards overlap, as shown in the figure below, the area and planting materials shall count towards both buffer yards.



F. Landscaping Requirements for Parking and Vehicular Use Areas

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

1. Total Required Plant Material

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

   a. 1 shade tree for every 200 square feet of required planting area or 1 ornamental tree for every 150 square feet;

   b. Shrubs are required in addition to trees and at a rate of 1 per every 50 square feet of planting area.

2. Planting Area Location

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

   a. Interior Landscaping: Interior planting areas shall be located to provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Parking rows will be divided, begun or terminated with a landscape island. Between every 10 to 15 spaces, 1 landscaped parking island with a minimum dimension of 9 feet by 19 feet shall be provided. Each island shall contain 1 shade tree, unless tree credits as specified in Subsection 1104 G have fulfilled all the required shade trees within the parking area. All the remaining land in the island shall be covered by shrubs, ground cover, sod, or mulched with a 3 to 4 inch layer of bark.

   b. Perimeter Landscaping: Unless supplanted by more stringent standards in Subsection 1104 E Buffer Yard Requirements, the perimeters of parking areas shall be separated from the edge of the right-of-way and adjacent property lines by a minimum of 7.5 feet of green space. The remaining required planting area shall be dispersed along any adjacent right-of-way or within the front yard setback. Required landscaping is encourage to be grouped in defined beds or mass planting areas as oppose to being placed in a linear design to achieve a more naturalistic appearance.

c. No landscaping area shall be less than 100 square feet in area.

d. All areas not covered by buildings, parking areas, vehicular use areas, sidewalks or other approved landscaping materials shall be landscaped with grass.

3. Water Quality

The use of water quality filters/ swales within landscaping areas to enhance stormwater drainage is strongly encouraged and must be approved by the County Engineer.

G. Credits towards Landscape/Buffer Yards for Preserved Trees

1. Tree Credits

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

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

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

2. Tree Preservation Plan

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

3. Tree Protection During Construction

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

a. A protection barrier or tree fence shall be installed at a minimum of 3 feet in height around the tree or tree grove that is identified to be protected. The tree fence shall be constructed of a barrier material securely fastened to a wood or metal frame properly braced by 2 by 4 inch minimum structural members with cross braces, or another form of substantial barrier approved by the Director of Building Codes.

b. The area within the protective barricade shall remain free of all building materials, dirt or other construction debris, and vehicles. No substantial disturbance shall occur within the protective barricade including compaction of soil, trenching, placing backfill, grading or dumping trash, oil, paint, or other materials detrimental to plant health.

c. Failure to comply with these requirements will result in the denial of tree credits and the landscape plan will have to be modified to include new tree plantings.

4. Other Existing Landscape Material

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

H. Installation, Maintenance, and Enforcement

1. Timing of Installation and Bond Requirements

Required landscaping/ buffer yards must be installed on site before issuance of a Certification of Occupancy. The Director of Building Codes may authorize a delay where planting season conflicts would produce high probability of plant loss. In the event the Director of Building Codes authorizes a delay, a temporary certificate of occupancy may be issued. No temporary certificate of occupancy will be issued until a Security Bond/Performance Bond/ Letter of Credit from a bank chartered in Tennessee for 110% of the cost of any uncompleted landscaping, including labor, shall be submitted to

the Planning Department. To determine the total cost, the applicant shall furnish a cost estimate prepared by a qualified landscape contractor or nurseryman using prevailing material and labor costs. The bond must be placed by the owner of the property. The life of the bond shall not exceed 14 months. The bond will be released after landscaping is installed in accordance with the landscaping plan.

2. Installation Standards

All landscaping materials shown and listed on the approved plans shall be installed in a sound, workmanship like manner and according to accepted, good construction and planting procedures. Plants installed shall meet the standards for size, form, and quality set out in the American Standard for Nursery Stock, latest edition. Any landscape material, which fails to meet the minimum requirements of this section at the time of installation, shall be removed and replaced with acceptable materials. All landscaping shall be planted within 300 feet of a hose attachment or include an underground or aboveground irrigation system.

3. Maintenance

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

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

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

c. Walls and fences used as screening structures shall be repaired and replaced so that they remain in a structurally

sound condition as required in the fence standards in Subsection 1101 B of this ordinance.

4. Enforcement

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

I. Alternative Methods of Compliance

1. Unique features prevent strict compliance

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

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

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

a. Which of the landscaping requirements will be modified and which above condition justifies using alternatives;

b. What alternative methods will be used (for example substituting ornamental grass for required shrubs due to poor soil conditions); and

c. How the proposed alternative meets or exceeds what is required.

2. Approval of Alternative Landscaping Scheme

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

species, arrangement and coverage proposed; and the level of screening, height, spread, and canopy of the proposed plantings at maturity.

1105 Wireless Telecommunications Towers and Antennas

A. Purpose

The purpose and intent of this section is to promote the health, safety and general welfare of the public by regulating the siting of wireless communications facilities; Additionally this section will minimize the visual impacts of wireless communications facilities on surrounding areas; accommodate the need and demand for wireless communications services; encourage coordination between providers of wireless communications services in Rutherford County; respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in Rutherford County; and establish predictable and balanced regulations governing wireless communications facilities,

B. Definitions

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

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

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

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

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

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

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

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

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

Eligible Facilities Request: Any request for modification of an existing wireless tower or base station that involves:
(a) Collocation of new transmission equipment;
(b) Removal of transmission equipment; or
(c) Replacement of transmission equipment.

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

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

Height: The height of a wireless communications facility, measured as the vertical distance from the average of the highest and lowest point of the lot

to the highest point of the wireless communications facility. Height includes all antennas and other ancillary appurtenances.

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

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

Monopole Tower: A style of free-standing antenna-supporting structure that is composed of a single shaft that is attached to a foundation. This type of antenna-supporting structure is designed to support itself without the use of guy wires or other stabilization devices. These structures are mounted to a foundation that rests on or in the ground or on a building's roof.

Mounted (Flush) Antenna: An antenna that is attached flush to an antenna-supporting structure, without the use of side arms or other extension devices.
Mounted (Roof) Antenna: Directly attached or affixed to the roof of any building or structure other than a tower. This type of installation is sometimes called a freestanding roof mounted antenna.

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

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

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

Substantial Increase in the Size of the Tower: As Defined in 47 Code of Federal Regulations (CFR) including all parts, sub-parts and appendices

accessed at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=c9106a8621a0dbb9751640b8a533b1ec&rgn=div5&view=text&node=47:1.0.1.1.2&idno=47#47:1.0.1.1.2.27.205.6.2 and adopted herein by reference.

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

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

Types of Telecommunications Towers and Structures

Monopole Lattice Guyed Roof Stealth

Source: White and Smith, LLC

C. Applicability

1. Except as provided in Subsection 1105 C.2, below, this section will apply to the installation, construction, or modification of the following wireless communications facilities:

   a. Existing and proposed antenna-supporting structures subject to the provisions of TCA 13-24-305 (1);

   b. Replacement antenna-supporting structures;

   c. Broadcast antenna-supporting structures;

   d. Collocated and combined antennas on existing antenna-supporting structures that are classified as substantial increases in the size of the tower as defined in this Chapter or require the antenna-supporting structure to be lighted;

   e. Roof-mounted antenna-supporting structures;

f. Surface-mounted antennas;

g. Stealth wireless communications facilities.

2. This Section does not apply to the following:

a. Regular maintenance of any existing wireless communications facility that does not include the placement of a new wireless communications facility;

b. Any existing or proposed antenna-supporting structure with a height of thirty-five (35) feet or less;

c. Any wireless communications facility that is not visible from the exterior of the building or structure in which it is mounted;

d. Wireless communications facilities erected upon the declaration of a state of emergency by a federal, state, or local government. However, no wireless communications facility will be exempt pursuant to this paragraph unless a written determination of public necessity for the facility is made by the Planning Director. No wireless communications facility is exempt from the provisions of this Section beyond the duration of the state of emergency, and such facility must be removed or approved pursuant to this Section within thirty (30) days of the termination of the state of emergency;

e. Satellite dishes and television reception facilities for private use only; and

f. Amateur radio ("HAM radio") facilities.

g. Any eligible facilities request as defined by this Chapter.

D. Development Review and Permitted Uses.

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

Zoning Districts	Height of Proposed Facility		
	36-75 feet	76-100 feet	100 feet or more
AR, RL, RM	Special Exception	Special Exception	Special Exception

RMF, MHP, IN, OP, CN, CS, VNC, RC	Special Exception	Special Exception	Special Exception
CG, EAC	Building permit	Special Exception	Special Exception
LI, HI	Building permit	Building permit	Building permit

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

E. Development Review

1. Building Permit

Where a building permit is required, the application will be reviewed for compliance with this chapter by the Planning Director. The Planning Director shall render a final decision that approves, approves with conditions, or denies the application within thirty (30) days of submittal. Within thirty (30) days of the Planning Director's decision, appeal may be made to the Board of Zoning Appeals pursuant to Chapter 14.

2. Special Exception

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

3. Final Decision

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

F. Shared Use Plans

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

a. A signed statement from the antenna-supporting structure owner agreeing to allow future collocations (including combined antennas) on the facility, where reasonable and structurally feasible, including those initiated by providers other than the applicant or provider signing the application.

b. A written evaluation of the feasibility of accommodating future collocations, which evaluation must address the following, as appropriate:

i. Structural capacity of the proposed antenna-supporting structure;

ii. Radio frequency limitations impacting the ability to accommodate collocations;

iii. Geographical search area requirements;

iv. Mechanical or electrical compatibility;

v. Any restrictions imposed upon the facility by the FCC that would preclude future collocations; and

vi. Additional relevant information as required by Rutherford County.

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

G. Submission requirements

1. In addition to the submissions required for a building permit, the following must be provided with an application for any wireless communications facility submitted pursuant to this Section. The application must be signed by the property owner, applicant, and a provider who will place antennas on the proposed wireless communications facility.

2. The Planning Director may modify the submission requirements set forth above where it is determined that certain information is not required or useful in determining compliance with the provisions of the zoning ordinance. A decision to modify certain submission requirements must be in writing and made a part of the application file.

3. If the property owner is not a provider, the application must include letter signed by the property owner giving the applicant permission to act on behalf of the property owner and to apply to construct a wireless communications facility.

H. Standards

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

1. Antenna-supporting structures must be setback a distance equal to its height from any property line. The Planning and Engineering Department may modify the setback if the applicant demonstrates that the antenna-supporting structure can withstand the wind load for the design storm event applicable to Rutherford County as provided in the most recent version of ANSI/TIA/EIA-222, Structural Standards for Steel Antenna Towers and Antenna Support Structures, which document is hereby incorporated by reference.

2. A fence not less than eight (8) feet in height from finished grade must be installed so as to enclose the base of the antenna-supporting structure and associated equipment enclosures. Access to the antenna-supporting structure must be controlled by a locked gate.

3. A landscaping and vegetative buffer shall be installed to reduce visibility from the public road and the surrounding property. A natural vegetative buffer may substituted for the buffering and landscaping requirements subject to the approval of the Planning Department to ensure that it is sufficient to provide the required buffering.

4. The application shall show that the FAA has approved the height of the tower and any license necessary to operate the tower.

5. No lights, signals, or other illumination are permitted on any antenna-supporting structure or ancillary appurtenances unless the applicant demonstrates that lighting is required by the FAA or the FCC.

6. Antenna-supporting structures (towers) must be designed to accommodate future collocation for at least three (3) antennae. As a condition of approval under this Section, the applicant must submit a shared use plan.

I. Proliferation minimized

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

J. Signage

1. No signs may be placed on antenna-supporting structures, ancillary appurtenances, equipment enclosures, or on any fence or wall except as required by this section.

2. If high voltage is necessary for the operation of proposed wireless communications facilities, “High Voltage-Danger” and “No Trespass” warning signs not greater than one (1) square foot in area must be permanently attached to the fence or wall at intervals of not less than forty (40) feet and upon the access gate.

3. A sign not greater than one (1) square foot in area must be attached to the access gate that indicates the following information:

   a. Federal registration number, if applicable;

   b. Name of owner or contact person; and

   c. An emergency contact number.

K. Expert Review

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

2. The expert review may address the following:

   a. The accuracy and completeness of submissions;

   b. The applicability of analysis techniques and methodologies;

   c. The validity of conclusions reached;

   d. Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this section; and

   e. Other matters deemed by the Director to be relevant in determining whether a proposed wireless communications facility complies with the provisions of this section.

3. Based on the results of the expert review, the Planning Director may require changes to the applicant's application or required submissions.

L. Discontinuance

1. Notice of discontinuance

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

At such time as the Planning Director reasonably determines that an antenna-supporting structure or antenna has been discontinued, the Planning Director will provide the property owner with a written notice of discontinuance by certified mail.

2. Declaration of discontinuance

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

3. Removal of facility

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

a. The property owner shall be subject to a civil penalty of $50 per day that the violation continues; and

b. In order to settle any actual enforcement proceeding, or an impending enforcement proceeding of which the property owner is notified, the property owner may provide an estimate of the costs to dismantle the facility and shall remit funds or a binding performance guarantee to cover such costs to the county.

1106 Performance Standards

A. Purpose and Intent

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

In all districts, as indicated in each respective district, any permitted use or any special exception and every building or structure or tract of land that is

established, developed, or constructed shall comply with each and every performance standard contained herein.

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

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

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

B. Performance of Standard Regulations

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

1. Prohibition of Dangerous or Objectionable Elements

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

2. Performance Standards Regulating Noise

a. Definitions

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

i. ANSI: American National Standards Institute or its successor bodies.

ii. A-Weighted Sound Pressure Level: The sound pressure level as measured with a sound level meter using the A-weighting network. The symbol for this standard is dB(A).

iii. Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference pressure. It is abbreviated as dB.

iv. Impact Sound: a sound produced by two or more objects (or parts of a machine) striking each other, so as to be heard as separate district noises.

v. Noise: a subjective description of an undesirable or unwanted sound.

vi. Sound Level: In decibels, a weighted sound pressure level, determined by the use of metering characteristics and frequency weightings specified in ANSI S1.4-1971 “Specifications for Sound Level Meters”.

vii. Sound Level Meter: An instrument, including a microphone, amplifier, EMS detector and intefrator, time average, output-meter and /or visual display and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of Type I or better as specified in ANSI Publication S1.4-1971 or its successor publication.

viii. Steady State: a noise or vibration, which is continuous such as from a fan or compressor.

b. Method of Measurement

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

c. Maximum Permitted Sound Levels

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

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

d. Exemptions

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

3. Performance Standards Regulating Vibration

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

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

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

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

5. Performance Standards Regulating Odors

a. Definitions

i. Odorous Matter: solid, liquid, or gaseous material, which produces an olfactory response in a human being.

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

b. Emission of Odorous Matter

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

As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious; that such odors as associated with baking or the roasting of nuts or coffee shall not normally be considered obnoxious within the meaning of this section.

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

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

7. Performance Standards Regulating Glare and Electromagnetic Interference

a. Definitions

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

b. Limitation of Glare

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

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

c. Electromagnetic Interference

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

8. Performance Standards Regulating Radioactive Materials

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

9. Nonconforming Uses by Reason of Performance Standards

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

CHAPTER 12
SIGN REGULATIONS

SECTIONS:

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

1201 Purpose and Intent

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

A. Allow for the communication of information necessary for the conduct of commerce.

B. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian, bicycle and vehicular traffic.

C. Enhance the attractiveness and economic well-being of the county as a place to live, vacation and conduct business.

D. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.

E. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.

F. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.

G. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.

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

1202 Definitions

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

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

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

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

Billboard sign. See off-premise sign.

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

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

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

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

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

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

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

Front Façade. The front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel,

the side which includes the primary entrance shall be considered the front façade. If a structure located on a corner parcel contains a primary entrance on more than one side, the longer side with a primary entrance shall be considered the front façade. In cases where the building is oriented in a manner not parallel to the street, the primary entrance shall be used as the front façade.

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

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

Illumination, internal. A light source within the sign.

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

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

Major Subdivision. A subdivision which contains 4 lots or greater, as defined in the Subdivision Regulations adopted in Rutherford County.

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

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

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

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

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

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

Portable sign. A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be

easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

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

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

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

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

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

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

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

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

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

1203 General Provisions

A. Substitution Clause

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this resolution. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

B. Computation of Sign Area and Height

1. The area of all signs allowed under this Ordinance shall be computed as follows:

   a. The sign area shall be determined by computing the area of the smallest square, rectangle, circle, and/or triangle that will encompass the extreme limits of the sign face, including any open areas within the sign face. The sign area shall not include any supporting structure, up-rights or decorative bases or bracing.

   b. When 2 signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only 1 such face shall be included in computing the total area of the sign. When 2 signs of the same shape and dimensions are mounted or displayed in a V-shaped, not back-to-back and parallel and where the angle of the V does exceed 25 degrees, each such face shall be included in computing the total area of the signs.

2. The height of all signs allowed under this Article shall be computed as follows:

   a. The height of a ground sign shall be measured from the average level of the grade below the sign to the highest point of the sign face area or its supporting structure, whichever is greater.

   b. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall not be higher than the maximum allowed building height. In the event that a multi-storied structure contains various tenants on each floor, the wall signs for each floor may not exceed the ceiling height for that specific floor level.

   c. The clearance of a projecting sign shall be measured from the base of the sign face to the ground below.

   d. Any berming, filling, or excavation solely for the purposes of locating the sign shall be computed as part of the sign height.

C. Setbacks and Placement

1. Signs and sign structures shall be setback a minimum of 5 feet from any right-of-way line.

2. No sign shall be located within the vision triangle or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.

3. Signs shall be located so as not to impair windows, doors or other means of ingress/egress.

4. No sign shall be located within a public utility or drainage easement without written approval from the affected agencies.

5. Clearance from electrical power lines shall be in accordance with the most recent National Electrical Safety Code (NESC) and any amendments thereto. NESC minimums are absolute minimums and local utilities may require additional clearance requirements.

D. Sign Illumination

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

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

E. Adherence to Applicable Codes

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

F. Nonconforming Signs

1. The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When a property is redeveloped the signs on that property must be brought into compliance with the provisions of this chapter.

2. With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for printing or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as an illegal sign.

G. Changeable Copy

1. Signs containing automatic changeable copy must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the display when notified by the County that it is not complying with the standards of this ordinance.

2. Only one contiguous automatic changeable copy area is allowed on a sign face.

3. All signs containing automatic changeable copy must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.

4. All messages must change instantaneously without any special effects.

5. The messages displayed must be static and complete in themselves, without continuation in content to the next message or to any other sign.

6. Signs containing changeable copy messages shall not contain commercial messages other than those relating to the business on which it is located.

7. Signs containing automatic changeable copy messages must remain fixed, static, motionless, and non-flashing for a period of at least 8 seconds for time, date or temperature displays and 30 seconds for all other messages.

1204 Prohibited Signs

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

A. Any sign for which a permit is required and has not been issued, excluding any existing legal nonconforming sign;

B. Flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, or other decorations, not including automatic changeable copy signs as regulated in this chapter;

C. Any sign that obstructs a clear view to and from traffic along any street right-of-way, entrance, or exit;

D. Signs or sign structures located in the right-of-way, except as required by appropriate federal, state, city or county governmental authorities;

E. Snipe signs;

F. Any sign that obstructs free ingress and egress through a required door, window, fire escape or other required exit way;

G. Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court;

H. Windblown or inflated signs, not including flags as regulated in this chapter;

I. Signs placed on or affixed to vehicles and/or trailers which are parked on a right-of-way, public property or private property so as to be visible from the public right-of-way where the apparent purpose is to advertise a message provided that this is not in any way intended to prohibit signs placed on or affixed to motorized vehicles where the sign is incidental to the primary use of the motorized vehicles or trailer;

J. Abandoned or dilapidated signs;

K. Signs that extend above the roof line;

L. Signs which make use of words such as “stop”, “look”, “danger”, or any other words, phrases, symbols or character in such a manner as to resemble standard traffic control signs and interfere with, mislead or confuse drivers of vehicles traveling upon any highway, driveway or parking area;

M. Portable signs;

N. Off-premise signs, except as allowed in Subsection 1205 B of this chapter;

O. Sign display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement;

P. Video, continuous scrolling messages, and animation signs;

Q. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way;

R. Any other sign which is not expressly allowed is prohibited.

1205 Allowed Signs

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

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

1. Memorial signs and tablets displayed on public property or in cemeteries;

2. Address numerals, nameplates (including apartment units and office suites) and signs bearing the same name of occupants of the premises not exceeding 2 square feet in area;

3. A traffic directional, warning or information sign authorized by any public agency, whether permanent or temporary;

4. Incidental signs limited to 5 square feet in sign area;

5. Signs related to an approved agricultural use not exceeding 32 square feet with a maximum 1 sign per property;

6. Flag displaying noncommercial messages (Government flags, civic flags, decorative flags, etc.). No flag pole shall exceed the height and size requirements of the district in which they are located;

7. Window Signs in which the total area of signage does not exceed 25 percent of the area of the window or any glass door to which they are visible;

8. An official sign or notice issued or required to be displayed on private property by any court, public agency or public office, whether permanent or temporary;

9. Scoreboards or advertising signage located on athletic fields if oriented toward the field of play;

10. Temporary signs, as regulated in Section 1206 of this chapter.

B. Signs allowed by Zoning District – Permit Required

1. Signs allowed in all Residential Districts, as established in Chapter 3 of this ordinance, for legally established uses:

a. Ground [Freestanding] Signs

i. Non-residential uses (e.g. institutional uses, agricultural uses, etc.)
(1) Number – 1 per lot maximum
(2) Sign Area – Shall not exceed 40 square feet
(3) Height – Sign and sign structure shall not exceed 8 feet
(4) Illumination – External lighting and automatic changeable copy messages
(5) Changeable Copy – 25% of the sign area may contain automatic changeable copy messages

or 50% of the sign area may contain manual changeable copy messages.

ii. Major residential subdivisions and multiple family dwelling developments
(1) Number – 2 per entrance maximum
(2) Sign Area – Shall not exceed 40 square feet
(3) Height – Sign and sign structure shall not exceed 8 feet
(4) Location – Signs are to be located in sign easements at the entrance to the development
(5) Illumination – External lighting only
(6) Maintenance – Signs shall be landscaped and maintenance shall be provided via a homeowners association or similar legal instrument.

b. Wall and Graphic signs

i. Non-residential uses (e.g. institutional uses, agricultural uses, etc.)
(1) Number – square footage of signs shall not exceed total allowable square footage on the wall
(2) Sign Area – Total allowable square footage is 3 square feet for each linear foot of building frontage, not to exceed 40 square feet maximum
(3) Illumination – External lighting only

ii. Major Home Based Businesses
(1) Number – 1 per lot maximum
(2) Sign Area – Shall not exceed 5 square-feet
(3) Illumination – Not allowed

c. Flags Containing Commercial Messages

i. Non-residential uses, major residential subdivision entrances or amenity areas or multiple family dwelling developments
(1) Number – 2 per lot maximum
(2) Sign Area – Shall not exceed 32 square feet per flag
(3) Height – Sign and sign structure shall not exceed 16 feet
(4) Illumination – Not allowed

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

   a. Ground [Freestanding] Signs

      i. Number – 1 per lot maximum

      ii. Sign Area – Shall not exceed 40 square feet

      iii. Height – Sign and sign structure shall not exceed 8 feet

      iv. Illumination – External lighting and automatic changeable copy messages

      v. Changeable Copy – 25% of the sign area may contain automatic changeable copy messages or 50% of the sign area may contain manual changeable copy messages.

   b. Wall and Graphic signs

      i. Number – square footage of signs shall not exceed total allowable square footage on the wall

      ii. Sign Area – Total allowable square footage is 3 square feet for each linear foot of building frontage, not to exceed 40 square feet maximum

      iii. Illumination – External lighting only

3. Signs allowed in all Commercial and Industrial Districts, as established in Chapter 3 of this ordinance, for legally established uses:

   a. Ground [Freestanding] signs

      i. Number – 1 per street frontage maximum with a minimum sign separation of 50 feet measured from the closest edge of each sign

      ii. Sign Area – shall not exceed 50 square feet; or a property with multi-tenants shall not exceed 100 square feet

      iii. Height – shall not exceed 10 feet

      iv. Illumination – Internal and external lighting

      v. Changeable Copy – 50% of the sign area may contain changeable copy messages

b. Wall and Graphic signs

i. Number – Square footage of signs shall not exceed total allowable square footage on the wall.

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

iii. Illumination – Internal and external lighting

c. Projecting signs

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

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

iii. Illumination – Internal lighting only

d. Awning signs

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

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

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

iv. Illumination – Not allowed

e. Canopy signs

i. Number – 1 sign per canopy face

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

iii. Height – The sign shall not extend beyond the vertical edge of the canopy to which it is attached

iv. Illumination – Internal lighting only

f. Flags containing commercial messages

i. Number – 3 per lot maximum

ii. Sign Area – Shall not exceed 32 square feet per flag

iii. Height – Sign and sign structure shall not exceed 24 feet

iv. Illumination – External lighting only

g. Interstate On-Site Ground Sign

i. Number – 1 per lot maximum

ii. Sign Area – Shall not exceed 200 square feet

iii. Height – Shall not exceed 120 feet

iv. Illumination – Internal lighting only

v. Changeable Copy – 100% of the sign area may contain changeable copy messages

vi. Additional Standards – All Interstate Ground Signs must adhere to the following conditions:

(1) Sign shall be located within a 2000-foot radius of the center of the I-24 interchange

(2) Sign shall not be located within 300 feet of a residential zone

(3) Signs shall be located at least 10 feet from any right-of-way line

h. Outline lighting

i. Sign Area - 3 linear feet of outline lighting per 1 linear foot of building frontage

ii. Height - 24’ maximum when within 200’ of a residential zone, otherwise N/A

i. Billboards (off-premise signs)

i. Number – 1 sign face allowed per direction

ii. Sign Area – Shall not exceed 775 square feet

iii. Height – Sign and sign structure shall not exceed 35 feet

iv. Setbacks – 15 feet minimum from interstate R.O.W.; 200 feet maximum from interstate R.O.W.; 10 feet minimum from side or rear property line

v. Illumination – External lighting only

vi. Location – Allowed only along the frontage of I-24; shall not be located within 200 feet of any residential zoning district boundary

vii. Spacing – must be 1,000 feet from an interchange or intersection at grade, measured along the highway on the primary system from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main traveled way; and at least 1,000 feet from the closest billboard as measured from the closest point of each sign or sign structure on the same side of the roadway

4. Signs located in PUD or Special Character Districts, as established in Chapter 3 of this ordinance

a. Signs in PUDs or Special Character Districts containing residential-type uses only shall abide by Subsection 1205 B.1 of this chapter.

b. Signs in PUDs or Special Character Districts containing office/institutional- type uses only shall abide by Subsection 1205 B.2 of this chapter.

c. Signs in PUDs or Special Character Districts containing commercial or industrial-type uses only shall abide by Subsection 1205 B.3 of this chapter.

d. Signs in PUDs or Special Character Districts containing mixed uses shall abide by the provisions in this section that most closely resemble the use.

1206 Temporary Signage

A. Residential Areas

In addition to the other signs identified in Subsection 1205 B.1, temporary non-commercial signage may be posted on any lot in a residential district at any given time. Temporary signage shall adhere to the following;

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

2. Sign area for lots of five acres or less – 32 total square feet maximum, which may be divided into a maximum of five signs, provided that no single sign may exceed 16 square feet in area.

3. Sign area for lots exceeding five acres – 32 square feet maximum, which may be contained on one sign or multiple signs.

4. Sign height for all lots – 6 feet maximum for freestanding signs.

5. Illumination of temporary signage is prohibited.

6. Temporary signs are not allowed in the right-of-way and shall meet the setback and placement guidelines located in Subsection 1203 C.

B. Office/Institutional and Commercial/Industrial Areas

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

1. Portable signs are prohibited.

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

3. Sign area – 32 square feet sign maximum, which may be divided by a maximum of two sign faces.

4. Sign height – 6 feet maximum for freestanding signs.

5. Illumination of temporary signage is prohibited.

6. Temporary signs are not allowed in the right-of-way and shall meet the setback and placement guidelines located in Subsection 1203 C.

C. Directional Signs

Temporary Directional Signs are allowed in all zoning districts using the criteria of Subsection 1206 A and B. In addition, the following criteria shall also apply:

1. In order to avoid the placement of a series of signs along several miles of roadway, no more than 5 signs shall be allowed per event.

No more than 2 temporary directional signs advertising the same event may be on one lot.

2. Up to 4 directional signs are allowed per intersection. Each event is allowed only 1 sign per intersection. If the number of signs at an intersection exceeds 4, all directional signs may be removed by the Director of Building Codes or an authorized representative.

1207 Permitting Procedure

A. Permit Required

Unless specifically allowed by Subsection 1205 A., no sign shall be erected, altered, or relocated after the effective date of this resolution until a sign permit has been secured. The permit process is intended to review compliance with height, dimensional, construction and other similar provisions of this resolution. It is not intended to review the content of the message to be displayed.

B. Application

Applications for sign permits shall contain the following information:

1. Application Form – Prior to obtaining a sign permit from the Department of Building and Codes, an applicant shall obtain a signage compliance form from the Planning Department. The application shall contain the following information:

- Name, address, phone, and if available, fax and e-mail of the property owner;
- Name, address, phone, and if available, fax and e-mail of sign contractor/applicant;
- Address of the property where sign will be located;
- Identification of the type of sign (wall, ground, etc.);
- Name of the business to which the sign belongs;
- Description of sign plans and specifications. The method of construction and/or attachment to a building, or in the ground, shall be explained in the plans and specifications.
- The zoning district in which the sign is to be placed;
- A notice stating: “Any change in the information in this application shall be submitted to the department within 7 days after the change.” Unapproved changes shall result in the signage compliance form being void.
- Any other information deemed necessary to determine compliance with these sign regulations.

2. Scaled site plan showing location of the sign on the site with setbacks accurately dimensioned. The site plan should also show the location of all existing buildings, roads, parking areas, signs, and entrances/exits on the site.

3. Two copies of a scaled schematic of the proposed sign showing:

- Height of the finished sign above finished grade;
- Surface of the sign (material, color and dimensions);
- Dimensions and display area of the proposed sign;
- Any proposed illumination;
- Additional information as deemed necessary to ensure compliance with these regulations.

C. Review Procedures

1. Applications for sign permits shall be reviewed for compliance with the resolution by the Planning and Building Codes staff. Applications will be considered incomplete if they lack any of the information listed in Subsection 1207 B. and will not be reviewed. After acceptance of a complete application, the Planning staff shall inform the applicant within 14 days whether the application is either approved or denied.

2. Reasons for denial shall be made in writing to the applicant.

3. Approved applications shall receive a sign permit from the Department of Building and Codes.

D. Permit fees

Permit fees for signs shall be established by resolution by the Rutherford County Board of Commissioners.

E. Inspections required

The Department of Building and Codes shall require all ground signs to have a location inspection prior to issuance of a building permit to assure location and setback compliance.

F. Permit Expiration

1. Sign permits shall become null and void 6 months from the original date of issuance if the work authorized under the permit has not been commenced by that time.

2. Sign permits for projects that have been commenced but not completed and which no work has been done for over 6 months will also become null and void.

3. Sign permits which have become null and void will need to follow the application procedures in this Section for re-approval.

1208 Enforcement and Appeals

A. Enforcement

Consistent with Chapter 14 of this ordinance, these sign regulations shall be administered and enforced by the Director of Building Codes, who shall have the power to make inspections of buildings and premises necessary to carry out his or her duties in the enforcement of these regulations.

B. Violations and Penalty

Consistent with Chapter 14 of this ordinance, any person, firm, or corporation violating any of the provisions of this Resolution shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $50.00. Each day's continuance of a violation shall be considered a separate offense. In addition to the party violating this ordinance, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

C. Appeals

Any person aggrieved by the decision of the Planning Director, the Director of Building Codes, or any County officer in relation to enforcement of these sign regulations may appeal to the Rutherford County Board of Zoning Appeals as provided for in Chapter 14 of this ordinance. All applications and processing of appeals shall be in accordance with the Rules of the Board and with applicable county and state law.

D. Variances

Any person may petition the County for a variance to these regulations. In addition to the procedures for variance petitions contained in Article VIII of this Resolution, the Board shall consider the following when reviewing those requests relating to signs:

1. A variance to sign regulations may be approved where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variances are deemed necessary to permit a sign on a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that a sign cannot be placed on the parcel in a manner commensurate with those signs allowed on other parcels of land in the same district. The modification of the standards established in this ordinance shall not be granted to relieve a self-

created or personal hardship, not for financial reason alone, nor shall such modification be granted to permit any person a privilege in placing a sign on a parcel of land not allowed by this ordinance to other parcels of land in that district.

2. A hardship is intended to include a change in elevation or curve in a roadway which obstructs visibility.

3. No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The Board is not authorized to grant a variance of the zone in which a sign is allowed.

4. In order to make a finding of hardship and to grant a variance, the Board shall find:

    a. The requested variance does not eliminate any requirement of this ordinance and does not allow any prohibited signs;

    b. That the special circumstances of the subject property are not the result of the actions of the applicant, the owner of the property, or a self-induced hardship;

    c. The hardship is peculiar to the property of the applicant and the variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges allowed to other properties in the vicinity and zone in which the subject property is located. Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance;

    d. That the literal interpretation and strict application of the provisions and requirements of the sign regulations would cause undue and unnecessary hardship because of the unique or unusual conditions pertaining to the specific building, parcel, or subject property;

    e. That the variance is not granted for the convenience of the applicant, or for the convenience of regional or national businesses which wish to use a standard sign;

    f. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located.

5. A variance is only for the particular sign for which it was granted and any attempt to change the sign terminates the variance. A change or alteration of a sign requires a new permit, without considering any prior variance or previous ordinance. If a sign face is removed from a non-conforming sign, then all appurtenant hardware, including the sign cabinet/case associated with that face shall also be removed.

CHAPTER 13
NONCONFORMING USES, LOTS AND STRUCTURES

Sections:

1301 Applicability
1302 Nonconforming Uses
1303 Nonconforming Lots
1304 Nonconforming Structures
1305 Inactive, Abandoned or Discontinued Nonconformities
1306 Maintenance, Repairs, Alterations, Enlargement and Movement of Nonconformities
1307 Damage or Destruction of Nonconformities

1301 Applicability
This chapter applies to nonconformities as created by changes in the zoning ordinance. Nonconformities include several types of situations, as defined below.

A. Continuation Permitted

Any legal nonconformity that existed at the time of adoption of this ordinance may continue, subject to the requirements of this section.

B. Statutory Compliance

This Section shall be applied in a manner consistent with Tennessee Code Annotated (TCA) § 13-7-208. If any provision of this section conflicts with TCA § 13-7-208, then TCA § 13-7-208 applies to the extent that there is an inconsistency.

C. Permits

The Director of Building Codes may approve a certification for any nonconformity that is protected by this Section. The Director's determination is appealable to the Board of Zoning Appeals as provided in Chapter 14.

D. Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists is on the owner of the land on which the purported nonconformity is located.

E. Exception Due to Variance or Other Modification

This section does not apply to a development standard or feature that is the subject of an approved variance, or a modification of standards in a PUD District. Where a variance or other modification is granted for a development standard or feature that does not otherwise conform to this ordinance, that development standard or feature is deemed conforming.

1302 Nonconforming Uses

Subject to TCA § 13-7-208, a nonconforming use may continue subject to the following:

A. A nonconforming use may not be changed to another nonconforming use. However, a change in occupancy or ownership does not, by itself, constitute a change of use.

B. A nonconforming use that is changed or converted to a conforming use forfeits all nonconforming use protections offered by this ordinance.

C. Nonconforming uses shall not expand through the acquisition of additional land.

D. A legal nonconforming use may expand into additional parts of a building in which it is located at the time it becomes nonconforming, if the building is clearly arranged or designed for the use at the time it became nonconforming.

1303 Nonconforming Lots

A. Any nonconforming lot that has come into conformity with this ordinance shall not be changed to a nonconforming lot.

B. Any nonconforming lot or open space on the lot (yard, setbacks, courts or area), if already smaller than that required by the zoning district regulations, shall not be further reduced so as to increase the nonconformity.

C. A single-family dwelling and customary accessory buildings may be erected on a nonconforming lot if:

1. The zoning district permits single-family dwellings, and

2. The lot is in separate ownership and not of continuous frontage with other lots in the same ownership.

D. Subsection 1303 C applies even if the lot fails to meet the requirements for area or width, or both, that generally apply in the district. However, yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the applicable zoning district regulations.

E. The Board of Zoning Appeals may approve a variance of the area, width, and yard requirements only if the applicant meets the variance standards.

F. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area established by this ordinance, the lots are considered to be an undivided parcel for purpose of applying zoning requirements. No portion of those lots shall be used or sold unless it meets the lot width and area requirements established by this ordinance.

G. No division of a lot or parcel shall result in a lot with width or area below the requirements of this ordinance.

1304 Nonconforming Structures

No structural alterations to a nonconforming structure are permitted unless:

A. The alterations are required or authorized by a non-zoning law or ordinance, (Examples of non-zoning structural requirements include modifications that are required by new building codes or the federal Americans with Disabilities Act [ADA].)

B. The alteration accommodates a conforming use and does not increase a nonconformity or create a new nonconformity, or

C. The structural alteration is allowed by TCA § 13-7-208.

1305 Inactive, Abandoned or Discontinued Nonconformities.

A. After any nonconforming building, structure or use is discontinued for a period of thirty (30) months, it shall conform to the regulations of the district in which it is located.

B. After a nonconforming residential use is discontinued for a period of thirty (30) months, it shall conform to the regulations of the district in which it is located.

C. Discontinuance of an industrial, commercial or other business establishment is subject to T.C.A. § 13-7-208(g).

D. Unless otherwise required by TCA § 13-7-208, an intent to resume activity does not allow the nonconformity to continue.

1306 Maintenance, Repairs, Alterations, Enlargement and Movement of Nonconformities

A. Maintenance, repair, alteration, movement, or enlargement of nonconformity is permitted provided that no new or additional nonconformity is created.

B. A nonconforming business use may expand subject to TCA § 13-7-208(c).

1307 Damage or Destruction of Nonconformities.

A. A nonconforming residential use or any use that is not classified as a nonconforming industrial, commercial or other business use is subject to the following:

1. For purposes of this section, "damaged" means involuntary harm caused by fire, explosion, flooding, collision, act of God or a public enemy.

2. No building or structure that is damaged to the extent of more than 75% of its fair market value shall be rebuilt unless it conforms to the setbacks, height, bulk, or requirements as to the physical location of a structure upon the site.

3. When a building or structure is damaged by 75% or less of its fair market value, the building may be restored to its preexisting condition within one year of the date of the damage.

B. A nonconforming industrial, commercial or other business use may be destroyed and reconstructed subject to TCA § 13-7-208(d), or restored subject to TCA § 13-7-208(d).

CHAPTER 14
ADMINISTRATION AND ENFORCEMENT

Sections:
1401 Organization and Purpose
1402 Duties and Powers of the Planning Director
1403 Duties and Powers of the Director of Building Codes
1404 Zoning Compliance Forms, Building Permits and Site Plans
1405 The Board of Zoning Appeals
1406 Administrative Appeals
1407 Zoning Variances
1408 Special Exception Permits
1409 Amendments to Zoning Ordinance or Map
1410 Remedies and Enforcement

1401 Organization and Purpose

A. The administration and enforcement of this ordinance is hereby vested in the following offices and agencies of the government of Rutherford County.

1. The Planning and Engineering Department

2. The Building Codes Department

3. The Board of Zoning Appeals

B. It is the purpose of this chapter to set out the authority of each of these offices and agencies and then describe the procedures and substantive standards with respect to the following administrative functions:

1. Issuance of Zoning Compliance Forms and Building Permits

2. Administrative Appeals

3. Variances

4. Special exception Permits

5. Amendments

1402 Duties and Powers of the Planning Director

The Planning Director or an authorized representative shall:

A. Maintain permanent and current records of this ordinance, and subsequent amendments, including, but not limited to, all maps, amendments, special exceptions, variations, appeals and applications therefore;

B. Initiate, direct and review, from time to time, a study of the provisions of this ordinance, and make reports of the recommendations to the Rutherford County Regional Planning Commission;

C. Analyze and report on all requests for amendments to the Rutherford County Regional Planning Commission and Board of Commissioners;

D. Make analyses and recommendations to the Board of Zoning Appeals on all requests for interpretations, variances and special exceptions and any matter requested by the Board;

E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to pass under the provisions of this ordinance;

F. Provide information to the public on provisions of this ordinance as requested;

G. Receive, file and forward to all necessary agencies all applications for special exceptions;

H. Issue zoning compliance forms;

I. Coordinate with the other County Departments as necessary to carry out the intent of this ordinance;

J. May render an interpretation on any regulatory provision of this ordinance and in the process may consult with the county attorney if deemed necessary.

1403 Duties and Powers of the Director of Building Codes

The Director of Building Codes or an authorized representative shall enforce the terms of this ordinance and in furtherance of said authority shall:

A. The Director of Building Codes shall have the power to grant building permits and use and occupancy permits, and make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this ordinance. It shall be unlawful for the director to approve any plan or issue any permits as certificates of occupancy for any excavation or construction until site plans have been approved consistent with Section 1404.

B. The director shall not refuse to issue a permit when conditions imposed by this ordinance have been met by the applicant despite the violations of contracts such as covenants or private agreements which may occur upon the granting of said permit.

1404 Zoning Compliance Forms, Building Permits and Site Plans

A. Zoning Compliance Form Required

No building or other structure shall be erected, moved, added to or structurally altered without a zoning compliance form issued by the Planning Director.

Except as hereinafter provided, no zoning compliance form pertaining to the use of land or buildings shall be issued by any office, department, or employee of the county unless the application for such form has been examined by the Planning Director indicating that the proposed building or structure complies with all the provisions of this ordinance. Any zoning compliance form issued in conflict with the provisions of this ordinance shall be null and void.

To receive a zoning compliance form for One- and Two- Family Residential Buildings or Residential Accessory Structures, an applicant shall submit a concept plan showing the following:

1. The actual shape, location and dimensions of the lot;
2. The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot;
3. The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate;
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

B. Building Permits Required

No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Director of Building Codes.

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any office, department, or employee of the county unless the application for such permit has been examined by the Director of Building Codes indicating that the proposed building or structure complies with all the provisions of this ordinance and the adopted building

code. Any building permit or certificate of occupancy issued in conflict with the provisions of this ordinance shall be null and void.

C. Site Plans Required

All applications for building permits, except one- and two-family dwellings and residential accessory structures shall be accompanied by a site plan meeting the requirements herein and with sufficient copies to provide for staff and Rutherford County Regional Planning Commission distribution. Prior to the submittal of an application for site plan approval, the applicant or their representative shall contact the Planning Director and/or County Engineer to discuss the scope of the project and to determine if a preapplication conference will be required. A site plan is not required when an existing building is converted from one permitted use to another permitted use and no additional construction is required and that no additional impervious surfaces are added to the site.

The approval of any site plan shall lapse at the end of eighteen (18) months after the date of approval unless a building permit is issued. After eighteen (18) months if there is no valid building permit associated with the site plan then the site plan will be deemed to have expired. An expired site plan will require a new submission meeting all zoning requirements including any amendments since the original approval.

All site plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared (e.g. site layout and drainage by civil engineers, boundary survey by surveyors, landscape plans by landscape architects)

1. Site Plans that can be reviewed and approved administratively by staff are as follows:

    a. Nonresidential accessory buildings or additions less than 3,000 square feet

    b. Parking lot additions with no new building construction

2. Any site plan that does not meet the requirement of Subsection 1404 C.1 above must be reviewed by the Rutherford County Regional Planning Commission. The Rutherford County Regional Planning Commission shall approve, approve with conditions, or deny within ninety (90) days of submittal of a complete application. The applicant, or their representative, may waive this time requirement and consent to an extension(s) of the applicable time period.

3. Applications for site plans shall be filed with the Planning Department according to the schedule for filings established by the Department and shall contain the following information.

a. The actual shape, location, bearings, and dimensions of the lot;

b. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot;

c. The existing and intended use of the lot and of all such building or other structures upon it, including the number of dwelling units the building is intended to accommodate;

d. Topographic features (contours not greater than two (2) foot intervals);

e. Location of all driveways and entrances;

f. Location of all accessory off-street parking areas showing design and layout of such parking facilities;

g. Location of all accessory off-street loading berths;

h. Location of open space and outdoor storage areas;

i. Proposed ground coverage, impervious surfaces, floor area, and building heights;

j. Position of fences and walls (materials specified);

k. Detailed landscaping plans consistent with Chapter 11 of this ordinance;

l. Location of utilities using best available information (Including, but not limited to, sanitary sewers or septic tanks and field lines, storm sewers, water mains and sizes, and fire hydrants);

m. Location, type, and size of proposed signs;

n. Proposed means of surface drainage including drainage calculations and buffer zone requirements consistent with the Rutherford County Stormwater Ordinance;

o. Location of all easements and rights-of-way;

p. For any site subject to flooding, the limits of floodway and fringe areas, the regulatory flood elevation and regulatory flood protection elevation, and the minimum first floor elevation;

q. The stamp and name of the registered engineer, architect, landscape architect, or surveyor preparing the plan;

r. Where subsoil sewage disposal is anticipated, certification from the Department of Environment and Conservation, Division of Ground Water Protection approving the lot for such use;

s. Documentation from the water provider regarding the ability of existing water lines to support a fire hydrant.

t. Property zoning/setbacks

u. Surrounding zoning

v. Utility certifications

4. Site Plan Deviations

a. Substantial Deviations

If a proposed amendment to a site plan deviates substantially from the approved site plan, such approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:

i. A 5% or greater increase in floor area or number of units.

ii. A 10% or greater decrease in parking spaces or open space.

iii. The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for the distances specified below based on the size of the development.
(1) 25 ft. or more for site plans to two acres or less.
(2) 50 ft. or more for site plans of more than two acres but less than eight acres.
(3) 100 ft. or more for site plans of eight acres but less than 20 acres.
(4) 150 ft. for site plans of 20 acres or more.

iv. Deviation from any condition imposed by the Board of Zoning Appeals.

b. Minor Deviations

If a proposed amendment to site plan does not meet the criteria above in Subsection 1404 C.4.a, it shall be considered a minor deviation from the approved site plan. The applicant

shall file a written application for such amendment with the Planning Department who shall administratively act upon such application within ten days of its receipt.

5. As Built Site Plan Required

No certificate of occupancy for a building, structure, or an addition thereto, constructed after effective date of this ordinance, shall be issued until an As Built site plan, per the requirements of the Rutherford County Stormwater Ordinance, has been submitted to and approved by the Planning and Engineering Department.

6. Site Plan Design Requirements

All Site Plans submitted to the Planning and Engineering Department must be designed using the following documents; The Rutherford County Stormwater Management Ordinance, The Nashville Davidson County Metro Stormwater Management Manuals and the TDOT Design Manuals, unless specifically stated otherwise below:

a. A stormwater management system shall be provided for protecting the project area from the potential adverse impacts of stormwater runoff at all phases of the project.

b. The Rational Method may be used in designing runoff rates for areas up to fifty (50) acres. Developments with a drainage basin greater than fifty (50) acres must use another method approved by the County Engineer.

c. Rainfall frequency-duration curves for the Middle Tennessee area shall be used.

d. The post-development rate of runoff for a development shall not exceed the pre-development runoff rate for the 2, 5, 10, 15, 25, and 50-year storm events.

e. The design of the stormwater drainage system shall be based on a storm frequency of 25-year event. This criterion shall be applied to both open and closed conduit systems.

f. Retention / Detention areas shall be designed with sufficient hydraulic capacity for a 50-year storm event. The emergency spillover must have the capacity for the 100-year storm event.

g. All storm sewer outfalls shall be so designed, by reason of elevations of the invert, by the installation of pumps, or by other features, that when the receiving stream is under 100 year flood conditions, the storm sewers will continue to drain the areas they are designed to serve unless the provision is made for sewer backups into planned storage locations.

h. All ditches and drainage swales shall be a minimum of eighteen (18) inches in depth, a 3:1 slope on all banks, and one-half percent (0.5%) minimum slope throughout the length of the ditch or swale.

i. Design Engineer must evaluate next two (2) downstream structures from development. If structures cannot handle post-construction flows then applicant must upgrade structures to handle new flows.

j. Design must account for both off-site and on-site storm water drainage.

k. The maximum HW/D shall be equal to 1.2 for pipes greater than 24-inches and 1.5 for pipes 24-inches or smaller unless approved by the County Engineer.

l. Detention storage volume shall be drained within 72 hours for quantity calculations. Drawdown may be accomplished by a County Engineer approved outlet structure.

m. Discharge stormwater into the natural drainageway by connecting the drainageway at natural elevations, or by discharging the stormwater into an existing facility of sufficient capacity to receive it.

n. The design discharge at the outlet of drainage systems shall not result in velocities that equal or exceed the erosive velocity of the receiving channel, unless energy dissipation and erosion protection measures are placed at the outlet. Energy dissipation and erosion control devices shall have no overfall at the terminal end and shall discharge onto a stable section. The terminal section shall be considered stable if the terminal section design velocity is less than the erosive velocity.

o. All bridges shall be designed for the 25-year storm event. The design flow shall consider runoff from the total tributary area and will require stream channel routing, as approved by the County Engineer.

p. Developments must comply with water quality standards set forth in the Rutherford County Stormwater Management Ordinance.

q. Developments must comply with all stream buffer widths set forth in the Rutherford County Stormwater Ordinance.

r. All erosion and sediment control measures shall comply with the Rutherford County Stormwater Management Ordinance

s. Developments must have a twenty-five (25) foot Water Quality Buffer on all sinkholes. This measurement is taken from the outer edge of a defined throat. If a sinkhole does not have a defined throat then a twenty-five (25) foot radius is taken from center of depression, at the discretion of the County Engineer.

t. Sinkholes may not be utilized as part of the drainage system unless an overflow outlet is provided. Any site plans that utilize sinkholes for drainage must have an alternate drainage plan approved by the County Engineer.

u. Any development that adjoins or encompasses a portion of the 100 year floodplain and proposes alterations to the floodplain must submit all documentation (calculations, No-Rise certificate, etc.) to the County Engineer for approval.

v. In addition to other required information, where a development adjoins or encompasses a portion of the 100 year floodplain the applicant shall not alter any channel in such a way that would prohibit any section of the channel from conveying, in its post-development state, the same amount of flow at the same or lower maximum water elevation, that it conveyed in its pre-development state. The applicant shall furnish the following information pertaining to proposed channel modification:

i. Cross-sections of the existing and proposed channel.

ii. Plan view of the channel showing the location of existing constrictions, obstructions and other non-typical areas.

iii. Hydrographs and/or Flood Routing Calculations and Backwater Curve Profiles of the proposed waterway corresponding to a storm recurrence interval of 100 years.

iv. Designation on the final plan of all areas reserved for flood routing, retention or storage, together with the required wording pertaining to restrictions, dedications and maintenance responsibilities of such area.

w. If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the 50 year floodplain shall be credited to the development. In some situations, the design Engineer may submit for consideration to the County Engineer an alternative design with hydraulic justification from this requirement.

x. Detailed engineering studies shall be submitted for areas of potential flood at the discretion of the County Engineer.

y. All pertinent stormwater infrastructure must be constructed during the first phase of site construction to eliminate damage to adjacent properties downstream of site.

z. All stormwater infrastructure required by the Site Plan must be in place and approved by the Rutherford County Engineering Department before a certificate of occupancy will be issued.

aa. Certification of completion shall be submitted to the County Engineer by a licensed engineer to certify that the completed excavation, grading, drainage, flood elevation and erosion control measures comply with the approved Site Plan. This shall be submitted prior to the issuance of a certificate of occupancy.

bb. An As-Built drawing of the completed stormwater drainage system must be submitted to and approved by the County Engineer before the issuance of a Certificate of Occupancy.

1405 The Board of Zoning Appeals

A. Creation of Board of Zoning Appeals

The Board of Zoning Appeals as created on October 20, 1972 shall continue in effect as appointed.

B. Membership, Vacancies and Removal

Members of the Board of Zoning Appeals must be citizens of Rutherford County. Vacancies of said Board shall be filled for the unexpired term of those members whose position has become vacant by appointment of the Board of Commissioners, consistent with Tennessee Code Annotated (TCA) 13-7-106. A member may be removed from such Board for continued absences or just cause by action of Board of Commissioners after proper hearing consistent with TCA 13-7-106.

C. Advisory Opinions

The Rutherford County Planning Department and/or the Planning Director may submit an advisory opinion to the Board of Zoning Appeals on any matter which may come before said Board. Such opinion shall be made a part of the official record of the Board.

D. Powers of the Board of Zoning Appeals

The Board is hereby vested with the powers to:

1. Hear and decide appeals where it is alleged in writing by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Director of Building Codes or other administrative official in carrying out or enforcement of any provision of this ordinance;

2. Hear and act upon applications for variances in accordance with TCA § 13-7-109) and Section 1407 of this chapter to alleviate hardships by virtue of the inability of the landowner to comply strictly with the provisions of this ordinance by reasons of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner of such property;

3. Hear and act upon applications for special exceptions in the manner and subject to the standards set out in Section 1408 of this chapter or for interpretations of the official zoning map;

4. Hear and decide all special questions or other matters referred to it on which it is required to act under this ordinance.

E. Election of Officers

The Board shall elect from its members its own chairman and vice-chairman, who shall serve for a two year term and may upon election serve succeeding terms.

The Board shall elect a secretary who may be a member or such other person from county staff as the Board and Mayor shall approve. It shall be the duty of the secretary to keep all records, conduct official correspondence, and supervise the clerical work of the Board. The Mayor may provide such other assistance as is necessary.

F. Conflict of Interest

Board members shall abide by The Code of Ethics for Rutherford County as adopted by the Rutherford County Board of Commissioners.

G. Meetings of the Board

Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman may participate in all discussions and shall vote as a member of the board. The chairman, or in his/her absence the vice-chairman, may administer oaths and compel the attendance of witnesses. In the absence of the chairman and vice-chairman, and a quorum is present for a regular or special meeting, then a chairman pro-tem for such meeting shall be elected from those present by those members present. All meetings shall be open to the public and proper public notice of such meetings shall be given.

H. Rules and Proceedings of the Board

The Board shall adhere to the following rules and may adopt additional rules for the conduct of its meetings:

1. A quorum (Majority of membership) shall be present to transact official business of the Board of Zoning Appeals. Approval of a simple majority of those present shall be required to pass a motion unless otherwise provided in this Ordinance;

2. No action shall be taken by the Board on any application until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation before the date set for a public hearing and written notice to the applicant prior to the meeting at which the action is to be heard. No application shall be considered and heard by the Board unless such application shall have been filed within the schedule as established by Planning Department. Late submittals must be made to the Planning Department, and the Planning Director will determine if the submittal can be placed on the agenda and still meet public notice requirements;

3. The Board may call upon any other office or agency of the county government for information in the performance of its duties, and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required;

4. Any officer, agency, or department of the county or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by state law;

5. All matters voted on by the board shall be put in the form of a motion by one of the board members and seconded by another board member. A motion may be amended in accordance with Robert's Rules of Order. The chairman shall conduct the voting by asking for a either a roll call vote or voice vote, as deemed appropriate by the chairman.

6. In any decision made by the Board on a variance, the Board shall:

    a. Indicate the specific section of this ordinance under which the variance is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare";

    b. In applications pertaining to hardship, specifically identify the hardship warranting such action by the Board;

7. Any decision made by the Board on a special exception permit shall indicate the specific section of this ordinance under which the permit is being considered and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare" and shall state clearly the specific conditions imposed in granting such permit;

8. Applications will be assigned for hearing in the order in which they appear on the calendar thereof, except that applications may be advanced for hearing by order of the Board, good and sufficient cause being shown;

9. At the public hearing of the application before the Board, the applicant shall appear in his/her own behalf or be represented by counsel or agent. The applicant's side shall be heard first and those in attendance shall then be given opportunity to comment.

10. Re-hearings may be granted by a majority vote of the Board when it is alleged that there was error or mistake in the original facts or upon introduction of new information not available at the original hearing. A vote of the Board shall not be reversed on the same set of facts.

11. The Board of Zoning Appeals shall keep official minutes of the proceedings showing all motions, votes and testimony as well as all official actions.

12. When a parliamentary matter arises that is not covered by these by-laws, Robert's Rules of Order shall apply.

13. Deferral of the Public Hearing before the Board of Zoning Appeals. It is the policy of Board of Zoning Appeals that any requests to defer their consideration of an appeal/special exception/variance

application be submitted to the Planning Director in writing prior to the scheduled public hearing. If a deferral request is granted, then notices of such deferral (if time permits) and of the next public hearing date will be mailed to those who received the original notice of the Public Hearing. Applicants requesting a deferral will be charged the cost of preparing and mailing new notices of public hearing. Applicant-initiated deferrals may not defer an application for a period exceeding three (3) months from the original Board of Zoning Appeals public hearing date of said application. Any application not considered before the three (3) month deferral timeframe will be required to submit a new application, along with any required fees, and will be subject to the regulations in effect at that time.

I. Fee

Any application for a hearing before the Board shall be accompanied by a nonrefundable fee in an amount established by the Board of Commissioners to partially defray the cost of processing.

1406 Administrative Appeals

In exercising its powers, the Board of Zoning Appeals may hear administrative appeals

A. Application for Appeals, Notice of Hearing

1. Within five (5) days after the date of a written notice, requirement, decision, or determination by the Director of Building Codes or other administrative official responsible for carrying out or enforcement of any provision of this ordinance, an aggrieved person or entity shall file a notice of appeal.

2. A written application for an appeal shall be filed with the planning department by the property owner or his/her designated Attorney-in-Fact on forms provided by the Planning and Engineering Department, and the application shall contain information and exhibits as may be essential for determining whether the provisions of this ordinance are being observed.

3. No more than 60 days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be in accordance with Subsection 1405 H.2.

4. No more than 90 days after the application is first considered by the Board, a final decision shall be made on the application. This provision may be waived by written request by the applicant or if the applicant does not object to an extension proposed by the Board.

B. Stay of Proceedings

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

C. Final Decision

The final disposition of any appeal to the Board of Zoning Appeals shall be in the form of an Order of Action, which shall affirm, modify or reverse the decision of the Director of Building Codes or other administrative official responsible for carrying out or enforcement of any provision of this ordinance.

1407 Zoning Variances

The Board of Zoning Appeals may grant variances where it makes findings of fact based upon the standards prescribed in this section.

A. Application for Variances, Notice of Hearing

A written application for a variance shall be filed with the Planning Department by the property owner or his/her designated Attorney-in-Fact on forms provided by the Planning and Engineering Department, and the application shall contain information and exhibits as may be essential for determining where the provisions of this ordinance are being observed.

No more than 60 days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be in accordance with Subsection 1405 H.2.

No more than 90 days after the application is first considered by the Board, a final decision shall be made on the application. This provision may be waived by written request by the applicant or if the applicant does not object to an extension proposed by the Board.

B. Standards for Variances

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;

2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

3. The variance will not authorize activities in a zone district other than those permitted by this ordinance;

4. Financial returns only shall not be considered as a basis for granting a variance;

5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

6. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

7. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

8. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

These standards do not apply for sign variances. The standards for sign variance can be found in Chapter 12.

C. Nonconformity Does Not Constitute Grounds for Granting of a Variance

No nonconforming use of lands, structures, or buildings in any district shall be considered the sole grounds for the issuance of a variance.

D. Prohibition of Use Variances

Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

E. Conditions and Restrictions by the Board

The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Subsection 1407.B above to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of this ordinance.

F. Effect of Denial of Application

Whenever an application for a special exception/variance is denied, an application for the same request involving the same property shall not be eligible for reconsideration for six (6) months following such denial, except in the following cases:

1. Upon initiation by the Board of Zoning Appeals;
2. When the previous application was denied for the reason that the proposed request would not conform with the land use plan, and the land use plan has subsequently been amended in a manner which will allow the proposed zoning.

G. Variance Appeals

Any person including any agency of the county government aggrieved by a decision of the Board of Zoning Appeals on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

H. Length of Time of a Variance

After the Board of Zoning Appeals grants a variance, the variance shall run with the land regardless of ownership or use.

1408 Special Exceptions

The Board of Zoning Appeals may hear and decide, in accordance with the provisions of this ordinance, requests for special exceptions. For the purposes of administration of this

ordinance, special exceptions shall be construed as synonymous with special exceptions, as controlled by TCA § 13-7-109.

A. Application for Special Exception, Notice of Public Hearing

A written application for a special exception shall be filed with the Planning Department by the property owner or his/her designated Attorney-in-Fact on forms provided by the Planning and Engineering Department, and the application shall contain information and exhibits as may be essential for determining where the provisions of this ordinance are being observed.

No more than 60 days after the filing of the application, a hearing shall be held on the application, unless otherwise withdrawn or postponed by written request by the applicant. Notice of hearing shall be in accordance with Subsection 1405 H.2.

No more than 90 days after the application is first considered by the Board, a final decision shall be made on the application. This provision may be waived by written request by the applicant or if the applicant does not object to an extension proposed by the Board.

B. Requirements for Special Exception

General requirements are hereby established which shall apply to all applications for special exceptions, and specific standards listed shall apply to the issuance of a special exceptions as appropriate.

The Board of Zoning Appeals may impose such other conditions and restrictions upon the premises benefited by a special exception permit as may be necessary to comply with the provisions set out hereafter in this Section in order to reduce or minimize the injurious effect of such special exception upon and ensure compatibility with surrounding property and to better carry out the general intent of this ordinance.

The Board may establish expiration dates for the expiration of any special exception as a condition of approval. A special exception runs with the land and may be transferred to another owner without a rehearing before the Board provided that previously approved conditions can be met, and there is no change of use.

C. General Requirements

A special exception shall only be granted provided the Board makes specific findings that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

2. Will not adversely affect other property in the area in which it is located;

3. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

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

D. Specific Standards for Residential Activities

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

1. Special Conditions for Mobile Homes

a. If the Board determines that this type of development is consistent with the character of the surrounding area a smaller acreage may be considered.

b. The mobile home shall be setback 20 feet from the side property lines.

2. Special Conditions for Major Home-Based Businesses

a. Major home-based businesses are limited to three (3) nonresident employees on the premises at any one time. Additional employees may be approved by the Board of Zoning Appeals. The number of nonresident employees working at locations other than the home-based business is not limited.

b. Major home-based businesses be are limited to the parking/storage of two (2) business vehicles on the premises. Additional vehicles may be approved by the Board of Zoning Appeals. Vehicles shall not be stored in the front yard. For the purposes of this section, front yard shall be defined as the area from the front line of the dwelling unit to the property line. Vehicles with more than three (3) axles shall not be permitted on lots of less than two (2) acres.

c. Major home-based businesses shall not use more than 25 percent of the gross floor area of the principal structure. Businesses in approved accessory structures may be permitted to use more than the 500 square feet allowed for minor home-based businesses if approved by the Board of Zoning Appeals.

d. The Board of Zoning Appeals may require parking beyond what is required for the residential use of the property and may require any additional parking to meet the parking design and maintenance standards found in Chapter 11 of the Zoning Resolution.

e. Major home-based businesses are limited to ten (10) customer/client visits in any one day and no more than five (5) customers/clients can be present at any one time. The maximum number of customer/client visits or the number who may be present at any one time may be increased by the Board of Zoning Appeals.

f. The following activities shall not be approved as major home-based businesses by the Board of Zoning Appeals:
- Kennels and veterinarian clinics/hospitals
- Medical and dental clinics/hospitals
- Restaurants, clubs, drinking establishments
- Undertaking and funeral parlors
- Adult Entertainment, as defined in Appendix A

g. Outdoor storage of any material used in connection with the home-based business, is permitted with Board of Zoning Appeals approval.

h. Signage for home-based businesses shall be limited to five (5) square feet and shall be attached to the principal or accessory structure where the business is located. Only one (1) sign per residential lot is permitted.

3. Special Conditions for Semi-Permanent Residential

a. The lot size shall be twice the district requirements, and the minimum development area per unit shall be five thousand (5,000) square feet.

b. The building shall be approved for such use by the Rutherford County Fire Chief.

4. Special Conditions for Non-Commercial Storage Facility, Workshop, or Other Structure for the Private Use of the Landowner

a. The owner of the property must provide verifiable proof that conditions on the property will not allow the establishment of a principal structure.

b. The property must be at least 1 acre in size.

c. The size of the structure must conform to the size limitations of accessory buildings found within Chapter 11.

d. The structure must meet all applicable setback, height and lot coverage regulations.

e. Only one (1) structure will be permitted per property, excluding approved agricultural structures (i.e. barns, silos, etc.).

f. Outdoor storage of any material/vehicles is prohibited.

g. The structure must not be used for any of the following activities:

i. Living quarters

ii. Commercial activities

iii. Storage for businesses that occur off of the property, including home-based businesses

E. Specific Standards for Community Facility Activities

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

1. Special Conditions for Administrative Services

a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.

b. The parking, to the extent possible, shall be screened from the public right-of-way.

2. Special Conditions for Community Assembly

a. When located in a residential area, the design of such facilities to the extent practical shall reflect similar design elements of the area in which they are located. The element should consider building height, building materials, rooflines, setbacks and building coverage.

b. An application for a community assembly shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or

other detrimental impacts upon adjacent properties, including by not necessarily limited to those uses which would require a special permit if not a part of the community assembly use.

c. The BZA shall have authority to approve an on-site location with utility connections for accommodations for recreational vehicles for use by visiting or traveling speakers or guests associated with the community assembly use. Provided, however, such location for recreational vehicles shall not be permitted for use as a permanent residential dwelling unit.

3. Special Conditions for Extensive Impact

a. Access to such facility shall be by a paved public road and such road shall be either an arterial or collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.

b. Provide evidence that all permits and approvals required by local, state, or federal environmental laws or regulations including but not limited to water and air pollution laws, have been or will be secured and that such use shall be operated in accordance with any such local, state, or federal laws or regulations.

c. At the discretion of the County Engineering Department, a reclamation plan shall be submitted for review and approval.

4. Special Conditions for Health Care Facilities

a. No hospital or center for observation or rehabilitation shall be permitted on a zone lot unless the lot contains a minimum of five (5) acres.

b. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one or two story building, increased by five (5) feet for each story above two (2).

5. Special Conditions for Institutional Care Facilities

a. The lot size shall be twice the district requirements, and the minimum development area per unit shall be five thousand (5,000) square feet.

b. The building shall be first approved for such use by the Rutherford County Fire Chief.

6. Special Conditions for Minimal Impact Facilities

a. General Standards

i. Access to such facility shall be by a paved public road and such road shall be either an arterial or collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.

b. Specific Uses

i. Retreats

(1) An application for a retreat shall include a concept plan and a complete description of all activities proposed to occur on the property that shall include, at a minimum, the following information:

- The size of the proposed facility including a floor plan showing the assembly area and other areas;
- The expected number of events per year;
- The maximum number of attendees per event;
- The number of employees;
- The hours of operation;
- Provision of overnight accommodations, duration, etc.;
- Provision of restroom facilities;
- Proposed lighting;
- Sound amplification to be used;
- Temporary structures or tents to be used in association with planned events;
- Proposed signage;
- Security to be provided;
- Location of trash receptacles;
- Traffic management and parking plans;
- Other documentation as required.

(2) In addition to the General Standards listed in Section 1408 C., Retreats also must meet the following standards:

- Minimum acreage – 10 acres. Applications for properties less than 10 acres in size will need to seek a rezoning to Planned Unit

Development using the process described in Chapter 9 of this Ordinance and the standards in this subsection.

- The maximum number of events during any calendar year is 30. Applications for more than 30 events will need to seek a rezoning to Planned Unit Development using the process described in Chapter 9 of this Ordinance and the standards in this subsection. For the purposes of this section, an event is defined as a celebration, ceremony, wedding, reception, corporate function or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of said celebration, wedding, etc. This definition does not include uses that are accessory to a single-family residential use, such as private parties, gatherings and similar activities.

- Parcels must have an unobstructed frontage along a public road consistent with the requirements of the Zoning Ordinance. Access drives on private easements will not be permitted.

- Site plan approval is required consistent with Section 1404 C. of this Ordinance.

- The maximum floor area for all areas used in connection with the Retreat shall be no greater than 2.5 percent of the total lot area.

- Accessory uses can include, but are not limited to; banquet facilities and recreational amenities not intended to be open to the general public.

- Overnight accommodations shall be accessory to the primary use of the property proposed as a Retreat and shall not be open to the general public as a standalone use. The maximum length of stay for any guest(s)

shall be seven (7) consecutive days per singular event.

- Uses approved in this Section shall abide by the Parking Requirements found in Section 1102 of this Ordinance. Parking areas are not required to be of a hard-surfaced, dustless material but must be approved by Planning and Engineering Staff. If an agreement cannot be reached with Staff, the Board of Zoning Appeals shall have the authority to determine the surface material to be used. Handicapped parking is required to be of a hard, dustless material and must meet ADA standards.

- Events shall conform to the performance standards in Section 1106 of this Ordinance. Sound amplification and any outdoor lighting shall cease no later than 10:00 PM.
- Signage shall comply with Chapter 12 of this Ordinance.

- Any structures to be used in connection with the Retreat shall comply with the adopted building and fire codes for Rutherford County and shall be inspected prior to occupancy by the Building and Codes and Fire and Rescue Departments for Rutherford County. Existing buildings may require variances from the Board of Zoning Appeals if they are located within required setbacks.

- All regulations enforced through other agencies, (i.e. Federal, State, and other Local authorities) must be met. These include, but are not limited to, building codes, fire codes, health department regulations, groundwater protection, etc.

- If the retreat is proposed on property with an existing structure or residence, an additional address may have to be assigned for the retreat for E-911 purposes.

- Setbacks for buildings activities used in association with a retreat shall abide by the following setbacks:

  - If providing a Type 1 buffer (or equivalent using existing plantings) – 100 feet
  - If providing a Type 2 buffer (or equivalent using existing plantings) – 75 feet
  - If providing a Type 3 buffer (or equivalent using existing plantings) – 50 feet

  Existing plantings must be shown on a site plan. Credits for existing plantings shall be determined using Section 1104 of the Zoning Ordinance. Parking areas are allowed to be within required setbacks but not within required buffer yards.

- Contact information for the owner/manager shall be provided to the contact person for each event and posted on the premises.

7. Special Conditions for Personal and Group Care Facilities

   a. Family/Group Care Home

      i. The required lot size, yard, and bulk regulations of the district shall apply.

      ii. All requirements of the State of Tennessee shall be met.

      iii. Facilities for vehicular access to and from the site shall be arranged to permit vehicles to exit from the site without backing out into any street.

F. Specific Conditions for Commercial Activities

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

1. Special Conditions for Group Assembly Activities

   a. Access to such facility shall be by a paved public road and such road shall be either an arterial or collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.

b. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.

c. When an application for a Group Assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.

i. The minimum size site shall be twenty-five (25) acres.

ii. The minimum setback of all structures from all public and private roads shall be one hundred (100) feet.

iii. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.

iv. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.

v. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, gift or souvenir shops, and similar activities.

2. Entertainment and Amusement Services – Outdoor

a. General Standards

i. There shall be a minimum lot size of 5 acres, unless otherwise specified in this Section.

ii. Accessory uses, such as snack bars, offices, maintenance facilities, refreshment stands or retail sales, which are designed and intended primarily for the use of patrons, shall be allowed.

iii. Site plan approval is required consistent with Section 1404 C. of this Ordinance.

iv. Uses approved in this Section shall abide by the Parking Requirements found in Section 1102 of this Ordinance. Parking areas are not required to be of a hard-surfaced, dustless material but must be approved by Planning and Engineering Staff. If an agreement cannot be reached with Staff, the Board of Zoning Appeals shall have the authority to determine the surface material to be used.

v. Uses approved in this Section shall abide by the Landscaping, Screening and Buffering requirements and Performance Standards found in Sections 1104 and 1106 of this Ordinance, respectively, unless otherwise specified in this Section.

vi. All regulations enforced through other agencies, (i.e. Federal, State, and other Local authorities) must be met.

3. Special conditions for Transient Accommodations

a. Commercial Campground:

i. Such campground shall have on-site management;

ii. The campground may include commercial establishments such as camp stores, laundry facilities, and personal services; provided that such establishments are subordinate to the recreational character of the campground; are located, designed, and intended to serve exclusively the patrons staying in the campground; and such establishments and their parking areas shall not occupy more than ten (10) percent of the area of the park or one (1) acre whichever is smaller;

iii. Such campground shall meet the following standards:

(1) Minimum size - ten (10) acres.
(2) Maximum density – ten (10) campsites per gross acre.
(3) Sanitary facilities within three hundred (300) feet walking distance of each campsite.
(4) Potable water supply.
(5) Trash receptacle – adequate to serve the entire campground.

iv. Such campground shall meet the following design requirements:

(1) A Type 3 bufferyard shall be provided around or near the perimeter or that part of the campground containing campsites.

(2) Each campground 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, but may not include utility areas, administration buildings, commercial areas or similar activities.

(3) Each campsite shall have a minimum setback of twenty-five (25) feet from any exterior boundary line.

(4) Each campsite and all other buildings shall have a minimum setback from any public or private road of fifty (50) feet.

(5) Each campsite shall be directly accessible by an interior travel way.

(6) All interior roads shall be a minimum of ten (10) feet wide for one way traffic and eighteen (18) feet wide for two way traffic.

(7) All interior travel ways shall meet the following curve requirements:
Minimum radius for a 90 degrees turn - 40 feet
Minimum radius for a 60 degrees turn - 50 feet
Minimum radius for a 45 degrees turn - 68 feet

(8) Each campground shall provide adequate sewage disposal.

G. Specific Standards for Industrial Activities

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

1. Special Conditions for Mining, Drilling, & Quarrying

a. Any application for a mining and quarrying type use shall include a general area plan and a specific site plan.

A general area plan shall be prepared at a scale of one inch equals 1,000 feet with a ten (10) foot contour interval and shall show the following:

i. Existing Conditions.

(1) Location of proposed site.

(2) Surrounding land use pattern including building locations by type of use within a one (1) mile radius of the proposed site.

(3) Roads including state, federal and county roads showing right-of-way width, weight loads, pavement types and widths, and traffic data.

ii. Site and Geologic Data

(1) Soil types and geology.

(2) Surface drainage patterns.

(3) Groundwater movements and aquifer information including aquifer recharge areas.

(4) Wetlands.

(5) Vegetation cover by type including the identification of dominant species.

(6) Climate, precipitation and wind direction to include the percent of wind movements on the points of the compass.

iii. Operation of the Site

(1) Type of material to be removed and the annual removal rate.

(2) Methods of extraction including types of equipment, use of conveyors, and use of blasting materials.

(3) Supplementary processes, drying, grading, mixing, manufacturing, batching and similar activities.

(4) Estimated life of the operations and maximum extent of area to be disturbed, final depths and side wall slopes.

b. A detailed site plan for the entire property proposed to be reclassified for this district drawn to a scale no smaller than one (1) inch equals two hundred (200) feet with a contour interval no greater than two (2) feet. In addition to the requirements for a site plan contained in Chapter 14 such site plan shall show:

i. Base Data

(1) Soils and geology with borings on a five hundred (500) foot grid.

(2) On-site groundwater movements and aquifer information including aquifer recharge areas.

(3) Surface drainage patterns.

(4) Wetlands.

(5) Vegetation cover by type including the identification of dominant species.

ii. Proposed Use

(1) Final grading by contours.

(2) Interior road pattern showing its relationship to on-site operations, points of ingress and egress and egress to state and county roads.

(3) Estimated amount and description of aggregate and overburden to be removed.

(4) Final use and ownership of the property after completion of operations.

(5) Service by public water and the means of disposal of human waste.

(6) Area that may be disturbed once all applicable setbacks have been applied.

iii. Plan of Operations

(1) Locations of screening and berms.

(2) Soil embankments for noise, dust and visual barriers, and heights of spoil mounds

(3) Method of disposition of excess water.

(4) Method of erosion control.

(5) Location and typical schedule of blasting.

(6) Machinery to be used by type and noise levels.

(7) Safety measures to be employed and methods of addressing complaints.

iv. Reclamation Plan

A reclamation plan shall be submitted that conforms to the provisions within TCA Title 59, Chapter 8, Part 208.

v. Performance Criteria

In addition to the other performance standards specified by this Ordinance, the following criteria shall be observed:

(1) Operations. All mining and quarrying operations shall meet all development and performance standards of this Resolution and all applicable local, state and federal regulations and provide evidence of such compliance.

(2) Setbacks. At the time of application for a special exception, no excavation area or quarry wall shall be located within:

- One mile to the property line of any existing Community Education Activity;
- 1,500 feet to the property line of any existing Community Assembly Activity, existing Health Care Activity, or existing residentially zoned property, including residential portions of approved planned developments;
- 1,000 feet from any properties zoned in the Office and Institutional Districts, Commercial Districts or Special Character Districts; and
- 300 feet from any properties zoned in the Industrial Districts, public roads and rights-of-way.

Nothing shall be stored at any time within 200 feet from any property line, with the exception of parking fencing, offices, and weight scales, which shall be subject to all other requirements of this Ordinance.

(3) Grading. All excavations shall be graded in such a way as to provide an area that is

harmonious with the surrounding terrain and not dangerous to human or animal life to the extent possible.

(4) Access. Such use shall be restricted to lots or parcels that are directly contiguous to and have legal frontage for access on roadways established as arterials or collectors in the Rutherford County Long Range Transportation Plan. Access by private easement shall not be allowed. Truck routing shall be proposed to reasonably minimize traffic impact.

(5) Mitigation of Road Damage. The operator of the site shall post a bond or bonds to cover the potential damage to public roads caused by the development, operation and/or rehabilitation of the subject property prior to the commencement of any site work or operations. The bond amount shall be determined by the County Engineer and County Highway Superintendent based on the distance from the entrance of the site to the nearest State Highway. The bond shall be accepted and held by the county.

(6) Landscaping, Buffering and Screening. In addition to complying with the landscaping regulations found in Chapter 11, natural vegetation shall be preserved to the extent possible in the setback area established above. The frontage of the site along a public road shall be screened with a berm of sufficient height to restrict the view of the operations from the road by a traveling motorist and shall be planted with ground cover, trees, and shrubs.

(7) Security Measures. The disturbed area shall be secured with a method accepted by the County Engineer.

(8) Pre-blast Survey. A pre-blast survey is required, consistent with State Regulations.

H. Special Exception Appeals

The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final, and subject to review only for illegality or want of jurisdiction.

Any person or agency of the county government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee.

I. Effect of Denial of Application

Whenever an application for a special exception/variance is denied, an application for the same request involving the same property shall not be eligible for reconsideration for six (6) months following such denial, except in the following cases:

1. Upon initiation by the Board of Zoning Appeals;
2. When the previous application was denied for the reason that the proposed request would not conform with the land use plan, and the land use plan has subsequently been amended in a manner which will allow the proposed zoning.

1409 Amendments to the Zoning Ordinance or Map

The Board of Commissioners may, from time to time, amend this ordinance by changing the boundaries of districts or by changing any other provisions whenever they find the public necessity, convenience, and general welfare require such amendment.

A. Initiation of Amendment

Amendments may be initiated by the Board of Commissioners, the Rutherford County Regional Planning Commission or by an application of one or more owners of property or their designated Attorney-in-Fact.

B. Application for Amendment

An application form for an amendment shall be accompanied by a fee in an amount as established by the Board of Commissioners payable to the County, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the adopted land use plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description and scaled drawing of the land and existing buildings shall be submitted with the application.

C. Review and Recommendations by the Rutherford County Regional Planning Commission

The Rutherford County Regional Planning Commission shall review and make recommendations to the Board of Commissioners on all proposed

amendments to this Ordinance. The review and recommendations of the Rutherford County Regional Planning Commission shall be based upon the land use or general plan for the area as adopted and such other considerations as the Rutherford County Regional Planning Commission finds to be applicable to the case.

D. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this ordinance prior to enactment by the Board of Commissioners. Notice of such hearing shall be displayed as follows:

Notice in a newspaper of general circulation within the county shall be published at least fifteen (15) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration of the area.

E. Amendments Affecting Zoning Map

Upon enactment of an amendment to the zoning map that is a part of this ordinance, the Planning Director shall cause such amendment to be placed upon the Official Zoning Map and noting on the map the resolution number and date of the amendment.

F. Effect of Denial of Application

Whenever an application for an amendment to the text of this ordinance or for change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for six (6) months following such denial, except in the following cases:

1. Upon initiation by the Board of Commissioners or Planning Commission;

2. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;

3. When the previous application was denied for the reason that the proposed zoning would not conform with the land use plan, and the land use plan has subsequently been amended in a manner which will allow the proposed zoning.

1410 Remedies and Enforcement

A. Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis of the compliant shall be filed with the Director of Building Codes. The Director shall record properly such complaint, immediately investigate, and take action as provided in this ordinance.

B. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall be punishable as provided for by law. Each day such violation exists shall be deemed a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participated in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties as provided.

C. Remedies

In case any building or other structure is proposed to be erected, constructed, reconstructed, altered, extended or converted, or any building or other structure or land is proposed to be used in violation of this ordinance, the Director of Building Codes or other appropriate authority of the county government or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, conversion or use, to correct or abate such violation, or to prevent the occupancy of such building or other structure or land. Where a violation of these regulations exists with respect to a building or other structure or land, the Director of Building Codes may, in addition to other remedies, notify all public utilities and county service departments of such violation and request that initial or re-establishment of service be withheld there from until such time as the building or other structure or premises are no longer in violation of these regulations, and each such utility or department shall comply with such request.

D. Liability of Board Members and County Employees

Any Board member or county employee charged with the enforcement of this ordinance, acting for the county in the discharge of his/her duties, shall not thereby render him/herself liable personally as stipulated in TCA Title 29, Chapter 20.

E. Right to Entry Upon Land

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 ordinance.

CHAPTER 15
LEGAL STATUS PROVISIONS

Sections:

1501 Interpretation
1502 Relationships to Other Laws and Private Restrictions
1503 Provisions Do Not Constitute Permit
1504 Provisions are Cumulative.
1505 Establishment of Zoning for Parcels De-annexed by Municipalities
1506 Severability.
1507 Effective Date

1501 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

1502 Relationships to Other Laws and Private Restrictions

A. Where the conditions imposed by any provisions of this ordinance upon the use of land or buildings or other structures or upon the height or bulk of buildings or other structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, or ordinance, of any kind, the provisions that are most restrictive shall apply.

B. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other restrictive agreements, the requirements of this ordinance to the extent that they are more restrictive shall govern.

1503 Provisions Do Not Constitute Permit

Nothing contained in this ordinance shall be deemed to be a consent, license or permit: to use any property; or locate, construct, or maintain any building, structure, or facility; or to carry on any trade, industry, occupation or activity.

1504 Provisions are Cumulative

The provisions of this ordinance are cumulative with any additional limitations imposed by all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter appearing in this ordinance.

1505 Establishment of Zoning for Parcels De-annexed by Municipalities

Upon notification of a legal de-annexation by any municipality of Rutherford County of any parcel, said parcel shall be part of Rutherford County's jurisdiction. In order to assure that this parcel conforms to the Rutherford County Comprehensive Plan, the Planning Commission shall recommend to the Board of Commissioners a zoning classification that conforms to the plan within 90 days following the notice of legal de-annexation. The zoning map shall be amended pursuant to the procedures found in Chapter 14.

1506 Severability

It is hereby declared to be the intention of the Board of Commissioners that the several provisions of this ordinance are separable in accordance with the following:

A. If any court of competent jurisdiction shall adjudge any provision or portion thereof of this ordinance invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.

B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

1507 Effective Date

This ordinance shall be in force and effect from and after its passage and adoption, the public welfare requiring it.

Approved and Certified by the Rutherford County Planning Commission:

Secretary

Chairman

8-13-12

Date

Effective January 1, 2013, as Amended Through October 14, 2021

Approved by the Rutherford County Board of Commissioners:

Approved on November 15, 2012

Ernest A Burgess
Mayor

APPENDIX A

Definitions and Rules for Construction of Language

Rules for Construction of Language.

In the construction of this Ordinance, the rules contained in this Appendix shall be observed and applied, except when the context clearly indicates otherwise:

(a) The particular shall control the general.

(b) The word “shall” is always mandatory.

(c) The word “may” is permissive.

(d) The word “lot” shall include the words “piece” or “parcel”.

(e) The word “structure” includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

(f) In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table the text shall control.

(g) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(h) Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

(1) “And” indicates that all connected items, conditions, provisions or events shall apply.

(2) “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.

(3) “Either or” indicates that the connected items, conditions, provisions or events shall apply single but not in combination.

(i) All public officials, bodies, and agencies to which reference is made are those of Rutherford County, Tennessee.

(j) The title “Planning Director” shall refer to the Planning Director or an authorized representative.

(k) The title "County Engineer" shall refer to the County Engineer or an authorized representative.

DEFINITIONS

Except where definitions are specifically included in various sections of this Ordinance words in the text or tables of this Ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

Access: A means of vehicular approach and entry to or exit from property.

Accessory: An activity, building or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity and/or building or structure and located on the same zone lot, except as provided for under the provisions of accessory off-street parking.

Accessory Dwelling Unit (ADU): A second self-contained living unit subordinate in size to a single-family dwelling. ADUs may be created within or detached from the single-family dwelling.

Activity: The performance of a function or operation, which constitutes the use of land.

Adult Oriented Establishment: A use type with the same meaning as the term "adult oriented establishment" as used in TCA § 7-51-1102, and in construing this term, the definitions contained in TCA § 7-51-1102 (1) – (6) and (9) – (27), are likewise incorporated by reference into and made a part of this ordinance.

Agricultural: Farms (See FARMS) that involve the production for sale of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry, and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, includes the breeding and grazing of any or all of such animals; bees and apiary products; horticulture; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products (wholesale nurseries); or lands devoted to a soil conservation or forestry management program.

Agricultural Employee Housing: A self-contained living unit created solely for the purpose of housing farm workers in conjunction with a bona fide agricultural or farming activity.

Agricultural Tourism: Any activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities or natural activities and attractions. An activity is an agricultural tourism activity whether or not a participant provides compensation in money or other valuable compensation to participate in the activity.

Alley: A public or private way intended to provide only secondary vehicular access to side and rear of abutting properties and no more than twenty-five (25) feet in width.

Amenity: Specific physical features of a development that is not required by the provisions of this Ordinance.

Amenity Incentive: An increase in the floor area or density otherwise permitted in a zoning district for the provision of specified amenities.

Apartment: One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

Arterial Road or Street: A road so designated on the Rutherford County Long Range Transportation Plan.

Bar: A place of business primarily devoted to the serving of alcoholic beverages and in which the service of food is incidental to the consumption of such beverages (may also be known as a pub or tavern).

Basement: A story where the floor is more than twelve (12) inches, but not more than one-half (1/2) of its story height, below the average level of the adjoining ground (as distinguished from a “Cellar” which is a story more than one-half (1/2) below such level).

Bed and Breakfast Homestay: An owner-occupied building or portion thereof that was formerly a single-family dwelling offering transient lodging accommodations and breakfast to guests for a fee.

Borrow Pit: An area from which soil or other unconsolidated material is removed from a piece of property to be used, without further processing either on-site or off-site, as fill for activities such as landscaping, building construction, or highway construction and maintenance. It is not intended that this definition apply to grading activities within an approved development plan.

Brew Pub: A restaurant at which beer is brewed on site as an accessory use in small batches for on-premise consumption.

Building: A structure permanently affixed to the ground, with a roof, and intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

Building Permit: A written permit issued by the Building Codes Department that is required before commencing any construction, reconstruction, or alteration of any building or structure or before establishing, extending, or changing any activity or use on any

zone lot and may be construed the same as a building permit required by the building code.

Bulk: Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and therefore includes:
(a) The size (including height and floor area) of buildings or other structures;
(b) The area of the zoning lot upon which a residential building is located, and the number of dwelling units within such buildings in relation to the area of the zoning lot;
(c) The location of exterior walls of buildings or structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures; and
(d) All open areas relating to buildings or other structures and their relationship thereto.

Cargo Container: A container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship, (i.e. shipping containers, storage units, etc.).

Certificate of Zoning Compliance: The authorization of the Planning Department to occupy premises affirming that the use and conditions of the premises comply with the regulations applicable to the property.

Cellar: (See Basement)

Cemetery: A place used for interment of human or animal remains or cremated remains, including burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof. This does not include a family cemetery on a private property used for private burials only.

Child Care Center: provides care for more thirteen (13) or more pre-teenage children in any kind of building

Cluster Box Unit (CBU) (Also known as Mail Kiosks): A centralized grouping of individually locked and keyed compartments or mailboxes, such as a wall-mounted unit in an apartment building or a free-standing neighborhood delivery and collection box unit. The carrier can generally access the individual compartments at one time by using a special key to unlock a facing or rear flat panel (front- or back-loading) or, for vertical boxes, (top-loading) an entire row of boxes that swing away from the wall to expose the tops of each box (https://about.usps.com/publications/pub32/pub32_terms.htm).

Collector Road or Street: A road so designated on the Rutherford County Long Range Transportation Plan.

Common Open Space: Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures, agricultural structures, and/or such recreational facilities for residents as indicated on the approved development plan.

Conservation Subdivision: A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

Construction Trailer: A factory-manufactured structure located on an approved construction site, not designed for use as sleeping quarters, but to be used in support of construction activities.

Court: An open, unoccupied space other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

Curb Level: The mean of the elevations of the side lot lines extended to the street line.

Density: The number of dwelling units permitted per acre of land.

Development: The division of a parcel of land; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance.

Development Area Per Dwelling Unit: The amount of land area of a single zone lot required for each dwelling unit to be placed on the zone lot. (May be referred to as density or lot area per unit).

Disturbed Area: The area of land where grading, excavation or other construction activities will take place on a site.

Dormitory: A building specifically designed for long-term stay by students of a college, university or nonprofit organization for the purpose of providing rooms for sleeping purposes. Common areas and a common kitchen may be included.

Dwelling, Duplex: A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

Dwelling, Mobile Home: A one (1) section manufactured home on a single chassis designed to be occupied as a single living unit.

Dwelling, Multi-Family: A building containing three or more dwelling units. The term includes apartments, condominiums and the like.

Dwelling, Single-Family: A building containing only one dwelling unit. The term is general, including such specialized forms as single-family detached, one-family semi-detached and one-family attached houses. For regulatory purposes, the term is not to include travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing.

Dwelling, Single-Family Detached: A building containing one (1) dwelling unit located on an individual lot. This shall include multi-sectional manufactured homes, provided that such homes shall have the same general appearance as site built homes in the area.

Dwelling, Town Home: A building containing three or more single-family dwelling units on individual lots with each dwelling unit being separated from the others by a party wall.

Dwelling Unit: A room or rooms connected together constituting a separate independent living facility for one (1) family only, including permanent living, sleeping, eating, cooking, bathing and sanitary facilities.

Extended Stay Hotel or Motel: A hotel or motel as defined herein in which the guest rooms have separate sleeping and living areas and may include limited kitchen facilities.

Exterior Display: The placement of goods, materials or other property for sale outside of a building or structure.

Exterior Storage: – The placement of goods, materials or other property outside of a building or structure for the purposes of storing the materials or equipment for future use but not for future sale.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such dwelling unit shall contain over four (4) persons, further provided that domestic servants and temporary nonpaying guests may be accommodated. Family shall not be construed to include a fraternity, sorority, club, or institutional group. Provided that family shall include eight (8) or fewer unrelated mentally or physically impaired persons plus three (3) additional persons acting as house parents or guardians who need not be related.

Family/Group Child Care Home: includes child care in an occupied residence of not more than twelve (12) children including children under the age of ten (10) living in the home; provided however, that child care for four (4) or fewer children does not require a special exception and may be approved administratively.

Farm: A parcel of land equal to or exceeding five (5) acres in size and used for residential and agricultural purposes.

Flea Market (includes swap meets): An outdoor commercial activity, not including shopping centers or individual retail operations, that is conducted on an occasional or periodic basis in an open area where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

Floor Area: The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls, but excluding the following:

(a) Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto where required in this Ordinance; and

(b) In the case of nonresidential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

Floor Area Ratio: The total floor area on a zone lot, divided by the lot area of that zone lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zone lot of ten thousand (10,000) square feet has a floor area ratio of (2.0).

Fraternity/Sorority House: A building used as group living quarters for students of a college or university, who are members of a fraternity or a sorority that has been officially recognized by the college or university and has a license or charter from the national organization.

Gross Area: An area of land, which is inclusive of all land uses and streets, and other public areas located within the development.

Group Home: A building, or portion thereof, that is licensed by the Department of Human Services or the Department of Public Health as a rooming and/or boarding house for people who are mentally or physically disabled and receives its residents under a contract or other arrangement with the state or local government agency.

Hazardous Occupancy: The use of a building or any part thereof, that involves the manufacture, use, or storage of highly combustible, flammable, or explosive materials or materials that constitute a high fire hazard and further defined by the adopted building and fire codes for Rutherford County.

Height (of building): The vertical distance measured from average grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs or to the mean height between eaves and ridge for gable, hip, and gambrel roofs. Building height shall not include mechanical appurtenances.

Home-Based Business: An accessory activity of a nonresidential nature that is performed within the dwelling unit or an accessory structure thereto and which is incidental to the residential use of the property and subject further to the supplemental provisions contained in Chapter 11 and Chapter 14.

Hotel: An establishment providing transient lodging which includes a 24-hour front desk attendant, restaurant, room service, laundry and dry cleaning service, meeting rooms, health club or swimming pool, and concierge/guest services and in which the guest rooms are accessible from an indoor corridor.

Institution: A building occupied or operated by a non-profit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social, educational or similar services of a non-profit character to the public.

Junkyard: Any land or structure used for the storage and/or sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage, and/or the salvage of four or more unlicensed, inoperative vehicles.

Landowner: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchases, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Ordinance, full disclosure of all legal and equitable interests in the property is required.

Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Lot Area: The entire area of a zone lot.

Lot Area Per Dwelling Unit: That portion of the lot area required for each dwelling unit located on a zone lot. This may also be known as the development area per dwelling unit.

Lot Coverage: That portion of a zone lot which when viewed directly from above is covered by a building or any part of a building. For all nonresidential uses, all vehicular use areas (i.e. parking, loading areas) shall be included in this calculation.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards.

Lot Line: A boundary of a zone lot.

Lot Measurements:

(a) Depth of a lot shall be considered to be the distance from the midpoint of the front lot line to the midpoint of the rear lot line.
(b) Width of a lot shall be considered to be the distance along a straight line connecting the side lot lines measured across the lot at the point of the required front yard setback.

Lot of Record: A lot that is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Figure 1 below illustrates terminology used in this ordinance with reference to corner lots, interior lots, double frontage lots and flag lots;

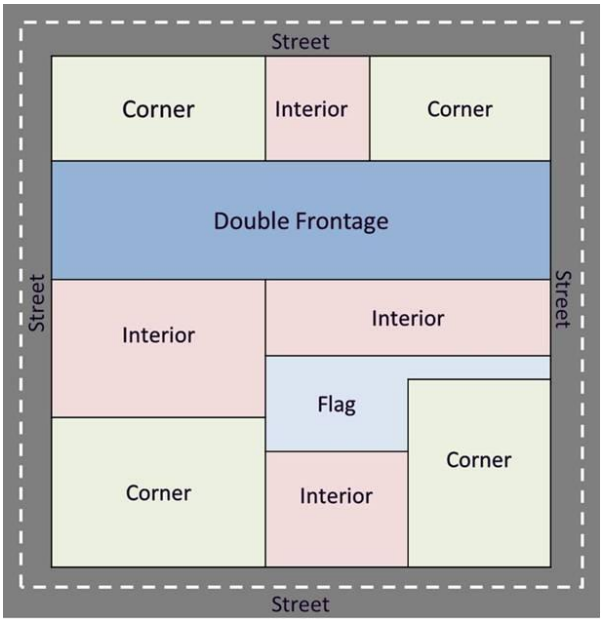
(a) Corner Lot - a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

(b) Interior Lot - a lot other than a corner lot with only one (1) frontage of a street.

(c) Double Frontage Lot - a lot other than a corner lot with frontage on more than one street.

(d) Flag Lot – a lot that has access to a public right of way or private easement by means of a narrow strip of land. No part of the narrow portion of the lot can be less than 25 feet in width. Minimum building setbacks are measured on the flag portion of the lot.

FIGURE 1



Minor Road or Street: A road so designated on the Rutherford County Long Range Transportation Plan.

Mobile Home: (See Dwelling, Mobile Home)

Mobile/Manufactured Home Community: A development that is designed and constructed to accommodate mobile homes.

Mobile Home Space: A designated area within a mobile home park for the exclusive use of the occupants of a single home.

Mobile Home Stand: That part of an individual mobile home space that has been reserved for the placement of the mobile home.

Modular Building: A factory manufactured building, not self-propelled, neither designed nor constructed to allow attachment of wheels to either an axle or its frame, meeting all requirements of the applicable building or housing code, and designed for use as a residence, office, apartment, storehouse, warehouse or any other similar purpose.

Motel: An establishment providing transient lodging, which includes a 24-hour front desk attendant, room service, may or may not include restaurants but no in-room food preparation and in which the guest rooms are accessible from outdoor parking areas or walkways and are rented on a less than monthly basis.

Nonconformity: Any existing use, lot, building or other structure that was legally established before the effective date of this zoning ordinance and that does not comply with one or more of its provisions. Any nonconforming use, nonconforming structure or nonconforming lot is defined below.

Nonconforming Lot: A lawful lot-of-record that is below the minimum lot size for the zoning district or fails to meet dimensional requirements as of the effective date of this ordinance.

Nonconforming Structure: A lawfully established structure that does not conform to the zoning district regulations that govern size, setbacks or other dimensional requirements.

Nonconforming Use: A lawfully established use that is not permitted in the zoning district. This typically applies where:

(a) the use is no longer allowed in the district, or
(b) the use was established without conditions and it would now require a special exception, or
(c) the zoning regulations changed due to actions by the county.

Overall Density: The dwelling units per gross acre of the total area within a residential development.

Party Wall: A wall on an interior lot line separating two individual dwelling units which are attached at that wall and which is constructed as a fire wall extending from the footings through the roof without openings and would inhibit the spread of fire from one dwelling unit to another.

Person: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Principal Activity: An activity or use that fulfills a primary function of an establishment, institution, household, or other entity.

Principal Building: A building in which is conducted the principal activity or use of the lot on which it is situated. In any residential district, any dwelling shall be deemed the principal building on any lot on which the dwelling is situated. Carports and garages, if permanently attached to the principal building are deemed to be a part of the principal building.

Quarrying: As defined in Tennessee Code Annotated Section 13-7-101.

Religious Facilities: The buildings and properties utilized by various religious organizations for worship functions, education and recreation but excluding any facility the primary function of which is to produce products or printed material for sale or general distribution, any retail sales or commercial overnight accommodations. Such facilities may include but not limited to chapels, churches, convents, monasteries, mosques, sanctuaries, synagogues or temples.

Required Yard: That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

Residence: A building or part of a building containing one (1) or more dwelling units or rooming units, including single-family or two-family dwelling, multiple dwellings, boarding or rooming houses. However, residences do not include:

(a) Such transient accommodations as transient hotels, motels, or similar establishments, or
(b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
(c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
(d) In a mixed building, that part of the building used for nonresidential uses, except uses accessory to residential use.

Retail Sales Establishment: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Retreat: A facility owned and operated by a non-governmental entity for the purpose of providing a rural setting in which temporary lodging, camping and/or conferences, meeting, and event facilities are provided with or without compensation. Retreats on property that meet State and Local definitions of Agriculture are exempt from this definition. In addition, the following activities are specifically excluded from this definition:

- Uses approved with a temporary use permit (i.e. outdoor performances or seasonal attractions);
- Uses classified as Transient Accommodations;
- Uses classified as Entertainments and Amusement Services – Indoor or Outdoor

Rooming or Boarding House: A single-family dwelling where two or more, but no more than six, rooms are provided for lodging for definite periods of time. Meals may or may not be provided, but there is one common kitchen. No meals are provided to outside guests.

Setback Line: A line running parallel to the lot line that establishes the minimum distance the principal building must be setback from the lot line.

Single Room Occupancy (SRO) Residential Facility: An establishment providing multiple single room rental units with or without cooking facilities on a monthly or longer basis. These facilities shall be considered to be transient habitation for use; provided however, that due to the duration of stay of the rentals, for zoning purposes an SRO shall be classified as a residential activity.

Special Exception: A use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provisions for such use are made in this ordinance. Special exceptions are authorized by Section 13-7-109, Tennessee Code Annotated.

Site Improvements: All buildings, structures, parking lots, driveways, access points to a public street, landscaping and drainage that are built upon a site.

Storm Shelter: Any structure, built above or below ground, with sole intent to protect life and limb from adverse weather conditions.

Street: A public or private mode of ingress/egress, other than an alley, which affords a primary means of access.

Street Line: A lot line dividing a lot or tract from an abutting street.

Structure: Any erected or constructed material or combination of materials that requires a location on the ground, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

Swap Meets: See Flea Market.

Transitional Home: A home used for the purpose of rehabilitating persons from correctional facilities, mental institutions, and alcoholic and drug treatment centers and operated by a public or private agency duly authorized and licensed by the state, which agency houses individuals being cared for by the agency and deemed by the agency to be capable of living and functioning in a community and which provides continuous professional guidance.

Use: The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.

Variance: An adjustment in the application of the specific regulations of this ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies such disparity in privileges. Variances are authorized by Section 13-7-109, Tennessee Code Annotated.

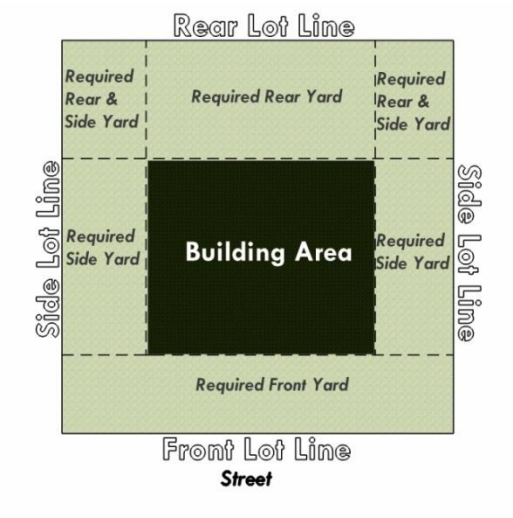
Vision Triangle: A triangular-shaped portion of land established at the intersection of two streets or a street and driveway in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of a motorist entering or leaving the intersection (Also known as a Sight Triangle). The Vision Triangle is area defined as follows:

(a) For Intersecting Streets (also Corner Lots) the triangle is determined by a straight line connecting two (2) points measuring thirty (30) feet in each direction along the ROW line from the ROW intersection.

(b) For Driveways and Non-Corner Lots the triangle determined by a straight line connecting two (2) points; one point measuring twenty (20) feet along the ROW from the intersection of the center of the driveway and the ROW and the other point measuring fifteen (15) feet along the driveway boundary line.

Yard: That part of a zone lot extending open and unobstructed, except obstructions permitted by this Ordinance, from the lowest level to the sky along the entire length of a lot line. Figure 2 shall be used in clarifying the usage of the "line" and "yard" definitions of this Ordinance:

FIGURE 2



Yard, Front: An open space extending along the full length of a front lot line to the setback line.

Yard, Rear: An open space extending for the full length of a rear lot line to the setback line.

Yard, Side: An open space extending along a side lot line to the setback line.

Zone or Zoning Lot: A parcel of contiguous land which is or may be developed or utilized under one ownership (See Landowner) as a site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have minimum frontage on an improved, dedicated and accepted public street, or on an approved private street.

APPENDIX B

Land Use Activity Table

ZONING DISTRICTS																
ACTIVITY	AR	RL	RM	RMF	MHP	OP	IN	CN	CS	CG	LI	HI	VNC	RC	EAC	ACTIVITY
PERMANENT RESIDENTIAL																PERMANENT RESIDENTIAL
Dwelling, Town Home	N	N	N	P	N	N	N	P	N	N	N	N	P	P	N	Dwelling, Town Home
Dwelling, Single family detached	P	P	P	P	N	N	N	P	N	N	N	N	P	P	N	Dwelling, Single family detached
Dwelling, Duplex	N	N	N	P	N	N	N	P	N	N	N	N	P	P	N	Dwelling, Duplex
Dwelling, Multi-family	N	N	N	P	N	N	N	P	N	N	N	N	P	P	P	Dwelling, Multi-family
Dwelling, Mobile home <5ac/≥5ac	P	SE/P	SE/P	N	N	N	N	N	N	N	N	N	N	N	N	Dwelling, Mobile home <5ac/≥5ac
Bed & Breakfast Homestay	P	SE	SE	N	N	N	N	P	N	N	N	N	P	P	N	Bed & Breakfast Homestay
Mobile Home Park	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	Mobile Home Park
SEMI-PERMANENT RESIDENTIAL																SEMI-PERMANENT RESIDENTIAL
Boarding & Rooming Houses	SE	SE	N	SE	N	N	N	SE	N	N	N	N	N	N	N	Boarding & Rooming Houses
Dormitories & Fraternity/Sorority Houses	N	SE	SE	SE	N	N	N	SE	N	N	N	N	N	N	N	Dormitories & Fraternity/Sorority Houses
COMMUNITY FACILITY ACTIVITIES																COMMUNITY FACILITY ACTIVITIES
Administrative Services	SE	SE	SE	SE	N	P	P	P	P	P	P	P	P	P	P	Administrative Services
Community Assembly Small	P	P	P	P	N	P	P	P	P	P	SE	SE	P	P	SE	Community Assembly Small
Community Assembly Medium	SE	SE	SE	SE	N	P	P	SE	P	P	SE	SE	SE	SE	SE	Community Assembly Medium
Community Assembly Large	N	N	N	N	N	N	P	N	SE	SE	SE	SE	N	N	SE	Community Assembly Large
Community Education	N	N	N	N	N	N	P	P	P	N	N	N	SE	SE	SE	Community Education
Cultural & Recreation Services	SE	SE	SE	SE	N	P	P	P	P	P	N	N	SE	SE	SE	Cultural & Recreation Services
Essential Services	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	SE	SE	SE	Essential Services
Extensive Impact Facilities	N	N	N	N	N	N	N	N	N	SE	SE	P*	N	N	N	Extensive Impact Facilities
Health Care Facilities	N	N	N	N	N	N	SE	N	N	P	P	P	N	N	SE	Health Care Facilities
Institutional Care Facilities	N	SE	SE	SE	N	N	SE	SE	N	N	N	N	N	N	N	Institutional Care Facilities
Minimal Impact Facilities	SE	SE	SE	SE	N	SE	SE	SE	SE	SE	N	N	SE	SE	SE	Minimal Impact Facilities
Personal & Group Care Facilities	SE	SE	SE	SE	N	P	SE	P	P	P	N	N	SE	SE	N	Personal & Group Care Facilities
COMMERCIAL ACTIVITIES																COMMERCIAL ACTIVITIES
Adult Entertainment	N	N	N	N	N	N	N	N	N	SE	SE	P	N	N	N	Adult Entertainment
Animal Care & Veterinarian Services	SE	N	N	N	N	SE	N	P	P	P	P	P	P	P	P	Animal Care & Veterinarian Services
Automotive Parking	N	N	N	N	N	N	N	N	N	SE	N	N	SE	SE	SE	Automotive Parking
Automotive Repair & Servicing	N	N	N	N	N	N	N	SE	P	P	P	P	N	N	SE	Automotive Repair & Servicing
Consumer Repair Services	N	N	N	N	N	P	N	P	P	P	P	P	P	P	P	Consumer Repair Services
Construction Sales & Services	N	N	N	N	N	N	N	N	P	P	P	P	N	N	P	Construction Sales & Services
Entertainment & Amusement Services – Indoor	N	N	N	N	N	N	N	SE	P	P	P	P	SE	SE	P	Entertainment & Amusement Services – Indoor
Entertainment & Amusement Services – Outdoor	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	Entertainment & Amusement Services – Outdoor
Financial, Consultative & Administrative	N	N	N	N	N	P	N	P	P	P	P	P	P	P	P	Financial, Consultative & Administrative
Food & Beverage Services	N	N	N	N	N	SE	N	P	P	P	P	P	P	P	P	Food & Beverage Services
Food Service Drive-in & Drive-thru	N	N	N	N	N	SE	N	SE	P	P	P	P	SE	SE	P	Food Service Drive-in & Drive-thru
General Business & Communication Service	N	N	N	N	N	P	N	N	P	P	P	P	N	N	P	General Business & Communication Service
General Personal Services	N	N	N	N	N	P*	N	P*	P*	P*	P	P	P*	P*	P*	General Personal Services

ZONING DISTRICTS																
ACTIVITY	AR	RL	RM	RMF	MHP	OP	IN	CN	CS	CG	LI	HI	VNC	RC	EAC	ACTIVITY
General Retail Trade (5,000sq. ft. or less)	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	General Retail Trade (5,000 sq. ft. or less)
General Retail Trade (more than 5,000 sq. ft.)	N	N	N	N	N	N	N	N	P	P	P	P	SE	SE	P	General Retail Trade (more than 5,000 sq. ft.)
COMMERCIAL ACTIVITIES CONTINUED																COMMERCIAL ACTIVITIES CONTINUED
Group Assembly	N	N	N	N	N	N	N	N	SE	SE	SE	SE	N	N	P	Group Assembly
Medical Services	N	N	N	N	N	P	SE	P	P	P	P	P	P	P	P	Medical Services
Transient Accommodations	SE	N	N	N	N	N	N	N	P	P	N	N	SE	N	P	Transient Accommodations
Undertaking Services	N	N	N	N	N	P	N	P	P	P	P	P	SE	SE	SE	Undertaking Services
Vehicular, Craft & Related Equipment Sales	N	N	N	N	N	N	N	N	N	P	P	P	N	N	P	Vehicular, Craft & Related Equipment Sales
Wholesale Sales	N	N	N	N	N	N	N	N	N	N	P	P	N	N	P	Wholesale Sales
INDUSTRIAL ACTIVITIES																INDUSTRIAL ACTIVITIES
Light	N	N	N	N	N	N	N	N	N	N	P	P	SE	SE	P	Light
Heavy	N	N	N	N	N	N	N	N	N	N	N	P	N	N	SE	Heavy
Mining, Drilling & Quarrying	SE	N	N	N	N	N	N	N	N	N	N	SE	N	N	N	Mining, Drilling & Quarrying
Scrap Operations	N	N	N	N	N	N	N	N	N	N	SE	P	N	N	N	Scrap Operations
Transport & Warehousing	N	N	N	N	N	N	N	N	N	N	P	P	N	N	P	Transport & Warehousing
AGRICULTURAL ACTIVITES																AGRICULTURAL ACTIVITES
Agricultural Sales & Services	SE	SE	N	N	N	N	N	P	P	P	N	N	P	P	P	Agricultural Sales & Services
Agricultural Tourism	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Agricultural Tourism
Crop & Animal Raising	P	P	P	N	N	N	N	N	N	N	N	N	N	N	N	Crop & Animal Raising
Plant & Forest Nurseries	P	SE	N	N	N	N	N	N	N	N	N	N	N	N	N	Plant & Forest Nurseries

Key
P = Permitted
N = Not Permitted
SE = Special Exception

*Specific uses permitted by special exception only in the marked districts: Sanitary Landfill; Mini Warehouses

APPENDIX C

Land Use Index

The following cross reference index lists many types of land uses and references the activity classification in which the use is located for regulatory purposes and which is further detailed in Chapter 2. The index does not necessarily include all possible land uses. Some uses may fall into more than one classification depending upon the use characteristics.

Land Use	Activity Classification
A	
Accounting, Auditing, and Bookkeeping Services	Financial, Consultative, & Administrative Services
Advertising Agencies and Services	General Business & Communication Services
Adult Bookstore	Adult Entertainment
Adult Cabaret	Adult Entertainment
Adult Entertainment	Adult Entertainment
Adult Mini-motion Picture Theater	Adult Entertainment
Adult Motion Picture Theater	Adult Entertainment
Agricultural Credit Institution	Financial, Consultative, & Administrative Services
Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices	Extensive Impact Facilities
Amusement Parks	Group Assembly
Animal Grazing	Crop & Animal Raising
Animal Production or Slaughter	Heavy Industrial Activities
Antique and Second Hand Merchandise Stores	General Retail Trade
Apparel and Accessories Manufacturing	Light Industrial Activities
Apparel, Piece Goods, and Notions	General Retail Trade
Appliance Manufacturing	Light Industrial Activities
Aquariums	Cultural & Recreational Services
Arcades	Entertainment & Amusement Services - Indoor
Architectural Services	Financial, Consultative, & Administrative Services
Art Schools	General Personal Services
Art Galleries	Cultural & Recreational Services
Art Galleries (private for profit)	Entertainment & Amusement Services - Indoor
Artist Studios	Financial, Consultative, & Administrative Services
Asphalt & Cement Production	Heavy Industrial Activities
Attorneys and Law Offices	Financial, Consultative, & Administrative Services
Auditing, Accounting, Bookkeeping Services	Financial, Consultative, & Administrative Services
Auditoriums (see Exhibition Halls)	
Automatic Teller Machines (ATM)	General Personal Services
Automobile (See Motor Vehicle)	

B

Bail Bonding	Financial, Consultative, & Administrative Services
Bakeries (retail)	General Retail Trade
Ballfields (Privately owned)	Enterainment and Amusement Services - Outdoor
Ballfields (Publicly owned)	Cultural & Recreational Services
Bandstands	Extensive Impact Facilities
Banking and Bank-Related Functions	Financial, Consultative, & Administrative Services
Barber and Beauty Schools	General Business & Communication Services
Barber Shop	General Personal Services
Bars	Food & Beverage Services
Batting Cages (Indoor or Outdoor)	Entertainment & Amusement Services – Indoor or Outdoor
Beaches	Cultural & Recreational Services
Beauty Shops	General Personal Services
Beverage Production & Bottling	Light Industrial Activities
Bed and Breakfast	Permanent Residential
Beer, Wine, and Distilled Alcoholic Beverage Sales	General Retail Trade
Billiard Parlors	Entertainment & Amusement Services - Indoor
Boarding or Rooming House	Semi-Permanent Residential
Boat Docks	Minimal Impact Facility
Boat Sales & Leasing	Vehicular, Craft, & Related Equipment
Book and Stationery Stores (excluding adult bookstores)	General Retail Trade
Book Binding	Light Industrial Activities
Bookkeeping Services	Financial, Consultative, & Administrative Services
Botanical Gardens	Cultural & Recreational Services
Bowling Alleys	Entertainment & Amusement Services - Indoor
Brew Pub	Food & Beverage Service
Bridal Stores	General Retail Trade
Building Contractors	Construction Sales & Services
Bus & Truck Maintenance & Repair	Transport & Warehousing
Business Schools	General Business & Communication Services

C

Cabinet Making and Similar Products	Light Industrial Activities
Camera Stores	General Retail Trade
Campgrounds (Commercial)	Transient Accommodations
Candy, Nut and Confectionery Stores	General Retail Trade
Car Washes	Automotive Repair & Servicing
Catering Service	Food & Beverage Services
C&D Landfill	Extensive Impact Facilities
Cemeteries	Minimal Impact Facility
Columbarium	Undertaking Services
Chamber of Commerce	General Business & Communication Services

Chemical, Plastic & Rubber Products Manufacturing	Heavy Industrial Activities
Chemicals and Allied Products Storage	Wholesale Sales
Chemical, Fertilizer & Non-Metallic Mineral Mining	Mining, Drilling & Quarrying
Child Care Centers	General Personal Services
Child Care Homes (Family/Group)	Personal & Group Care Facilities
Children's and Infant's Stores	General Retail Trade
Chiropractors Offices	Medical Services
Civic, Social, Fraternal, and Philanthropic	Community Assembly
Civil Defense Facilities	Administrative Services
Clay, Ceramic & Refractory Mineral Mining	Mining, Drilling & Quarrying
Cleaning Services (Commercial)	General Business & Communication Services
Clothing Stores	General Retail Trade
Clothing Rental Agencies	General Personal Services
Clocks Repair	Consumer Repair Services
Clubs Private (nonprofit)	Community Assembly
Clubs (Automotive)	General Business & Communication Services
Collection, Adjustment and Credit Reporting Agencies	General Business & Communication Services
Commercial (Recreational) Resorts	Group Assembly
Commercial Campgrounds	Transient Accommodations
Commercial Sports Arenas and Playing Fields	Group Assembly
Commercial Testing Laboratories	General Business & Communication Services
Communications Services	General Business & Communication Services
Community Garden	Minimal Impact Facility
Computer and Data Processing Services	General Business & Communication Services
Consignment Stores	General Retail Trade
Consulting Research Scientists	Financial, Consultative, & Administrative Services
Contractors (Carpentering, Electrical, Plumbing, etc.)	Construction Sales & Services
Convalescent Homes	Health Care Facilities
Convenience Centers (government operated)	Essential Service
Convenience Markets (including gasoline and diesel fuel sales for passenger vehicles)	General Retail Trade
Cookware Stores	General Retail Trade
Correction Facility	Extensive Impact Facilities
Court Buildings	Administrative Services
Credit Reporting Agencies	General Business & Communication Services
Credit Unions	Financial, Consultative, & Administrative Services
Crematorium	Undertaking Services
Crop Drying, Storage & Processing	Crop & Animal Raising
Crop Planting, Cultivating & Protection Services	Agricultural Sales & Services
Cutlery Stores	General Retail Trade

D

Dairy	Crop & Animal Raising
Dairy Products Processing	Light Industrial Activities
Dairy Products Stores	General Retail Trade

Dancing Schools	General Personal Services
Daycare (see Child Care)	
Decorating Services	General Personal Services
Delicatessen	Food and Beverage Services
Dental Offices and Laboratories	Medical Services
Dental Instrument Manufacturing	Light Industrial Activities
Department Stores	General Retail Trade
Detective Agencies and Protective Services	General Business & Communication Services
Detention Institutions	Extensive Impact Facilities
Diagnostic Service for Automobiles	Automotive Repair & Servicing
Dies, Jigs and Fixtures Manufacturing	Light Industrial Activities
Direct Selling Organization	General Retail Trade
Distilled Alcoholic Beverages, Beer and Wine Storage	Wholesale Sales
Dormitories	Semi-Permanent Residential
Drafting Services	Financial, Consultative, & Administrative Services
Drag Strips	Group Assembly
Drive-In or Drive Thru Restaurants	Food Service Drive-In & Drive Thru
Driving Schools	General Personal Services
Drug Stores and Proprietary Stores	General Retail Trade
Dry Cleaning	General Personal Services
Dwelling, Duplex	Permanent Residential
Dwelling, Mobile Home	Permanent Residential
Dwelling, Multi-Family	Permanent Residential
Dwelling, Single-Family Detached	Permanent Residential
Dwelling, Town Home	Permanent Residential

E

Educational Research Services	Financial, Consultative, & Administrative Services
Electric, Gas, Water and Sewer Distribution and Collection Lines	Essential Services
Electrical and Gas Substations	Essential Services
Electrical Equipment & Components Manufacturing	Light Industrial Activities
Electrical Supplies	Construction Sales & Service
Electrical Repair Shops	Consumer Repair Services
Electricity Generating Facilities	Extensive Impact Facilities
Electricity Transmission Lines	Essential Services
Electronic Store	General Retail
Employment, Personnel, and Temporary Help Services	General Business & Communication Services
Engineering Services	Financial, Consultative, & Administrative Services
Equestrian Facility	Agricultural Sales & Service
Escort Service	Adult Entertainment
Exercise Studios	General Personal Services
Exhibition Halls and Auditoriums (fewer than 250 participants) Indoor or Outdoor	Entertainment & Amusement Services – Indoor or Outdoor
Exhibition Hall and Auditoriums (250 participants or more)	Group Assembly
Extended Stay Hotel/Motel	Transient Accommodations
Exterminating Services	General Business & Communication Service

F

Family/Group Child Care Homes	Personal & Group Care Facilities
Farm	Crop & Animal Raising
Farm Equipment and Supplies	Agricultural Sales & Service
Farm Products Raw Materials	Wholesale Sales
Farm Supplies	Agricultural Sales & Service
Farm Tours	Agricultural Tourism
Farm Winery and Vineyard (See also Winery)	Agricultural Sales & Service
Farmers Market	General Retail Trade
Feed Milling and Sales	Agricultural Sales & Service
Fertilizer Manufacturing	Heavy Industrial Activities
Fire Department Facilities	Administrative Services
Fireworks & Explosive Manufacturing	Heavy Industrial Activities
Floor Covering Stores	General Retail Trade
Florists	General Retail Trade
Flea Markets and Swap Meets	General Retail Trade
Food Lockers	Transport & Warehousing
Forest Nursery (Wholesale)	Plant & Forest Nurseries
Fortune Telling	General Personal Services
Fuel Oil, Gasoline & Diesel Storage & Distribution	Heavy Industrial Activities
Fuel Transmission Lines and Facilities	Essential Services
Funeral Homes	Undertaking Services
Furniture and Home Furnishings	General Retail Trade
Furniture Repair	Consumer Repair Services
Furniture Stores	General Retail Trade
Furriers and Fur Shops	General Retail Trade

G

Garbage or Waste Incineration Plants including Co-generation Facilities	Extensive Impact Facilities
Gas Distribution Lines	Essential Services
Gas Substations	Essential Services
Gasoline Service Stations (see Convenience Market)	
General Building Contractors	Construction Sales & Service
General Merchandise Stores	General Retail Trade
General Warehousing	Transport & Warehousing
Gift Shops	General Retail Trade
Glassware and China Shops	General Retail Trade
Golf Courses	Minimal Impact Facilities
Golf Driving Ranges	Entertainment & Amusement Services – Outdoor
Golf (miniature)	Entertainment & Amusement Services – Outdoor
Government Offices	Administrative Services
Groceries and Related Products Storage & Distribution	Wholesale Sales
Grocery Stores	General Retail Trade
Group Home for Persons with Physical or Mental Handicap	Personal & Group Care Facilities
Group Home for Persons with Physical or Mental Handicap (With fewer than eight residents)	Permanent Residential
Group Living Arrangements	Institutional Care Facilities

Gun Shops	General Retail Trade
Gunsmith Shops	Consumer Repair Services
Gymnasiums	Cultural & Recreational Services

H

Halfway Houses (see Transitional Homes)	
Hardware Store	General Retail Trade
Harvest-your-own activities	Agricultural Tourism
Health Spas	General Personal Services
Heating Supplies	Construction Sales & Services
Heliports	Extensive Impact Facilities
Hobby, Toy, and Game Stores	General Retail Trade
Holding and Investment Organizations	Financial, Consultative, & Administrative Services
Horticultural Services	Agricultural Sales & Services
Hospitals	Health Care Facilities
Hotel	Transient Accommodations
Household Appliance Stores	General Retail Trade

I

Indoor Gun Ranges	Entertainment and Amusement Facilities
Infant and Children Stores	General Retail Trade
Insurance Carriers, Agents, Brokers, and Service	Financial, Consultative, & Administrative Services
Interior Decorator	General Personal Services
Investment and Money Management Offices	Financial, Consultative, & Administrative Services

J

Jewelry Repair	Consumer Repair Services
Jewelry Stores	General Retail Trade
Junk Yards	Scrap Operations

K

Kennels	Animal Care & Veterinarian Services

L

Labor Union Offices and Halls	General Business & Communication Services
Laboratories (Commercial Testing)	General Business & Communications Services
Laboratories (Medical)	Medical Services
Lamp and Shade Shops	General Retail Trade
Laundry, Cleaning and Garment Services	General Personal Services
Lawn and Garden Supply Stores	General Retail Trade
Lawn Mower Repair Shops	Consumer Repair Services
Lecturers	Financial, Consultative, & Administrative Services

Libraries	Cultural & Recreational Services
Linens and Bedding Stores	General Retail Trade
Locksmith Shops	Consumer Repair Services
Lodges	Community Assembly
Lubricating Services	Automotive Repair & Servicing
Luggage Shops	General Retail Trade
Lumber and Other Construction Materials	Construction Sales & Services

M

Mail Processing Centers	Extensive Impact Facilities
Mailing, Reproduction, and Commercial Art Services	General Business & Communication Services
Major Fuel Transmission Lines and Facilities	Essential Services
Management, Consulting, and Public Relations Services	Financial, Consultative, & Administrative Services
Marshaling and Storage Yards	Transport & Warehousing
Martial Arts Studios	General Personal Services
Massage Parlor	Adult Entertainment
Massage Therapy Clinic	General Personal Services
Mausoleums	Undertaking Services
Meat Byproduct Processing	Heavy Industrial Activities
Meat Packing & Poultry Processing	Heavy Industrial Activities
Meat and Seafood Markets	General Retail Trade
Medical Clinics	Medical Services
Medical Instrument Manufacturing	Light Industrial Activities
Meeting Halls	Community Assembly
Membership Organizations	General Business & Communication Services
Metal Production	Heavy Industrial Activities
Metal Ore and Mineral Mining	Mining, Drilling & Quarrying
Military Installations	Extensive Impact Facilities
Mini Warehouses (included by special exception only)	General Personal Services
Mobile Home Dealers	Vehicular, Craft,& Related Equipment
Motel	Transient Accommodations
Motor Vehicle & Boat Manufacturing	Heavy Industrial Activities
Motor Vehicle Cleaning and Detailing Services	Automotive Repair & Servicing
Motor Vehicle Clubs	General Business & Communication Services
Motor Vehicle Engine Repair and Replacement Shops	Automotive Repair & Servicing
Motor Vehicle Glass Repair and Replacement Shops	Automotive Repair & Servicing
Motor Vehicle Inspection and Diagnostic Services	Automotive Repair & Servicing
Motor Vehicle Junk Yards	Scrap Operations
Motor Vehicle Minor Repairs	Automotive Repair & Servicing
Motor Vehicle Paint and Body Shops	Automotive Repair & Servicing
Motor Vehicle Parking Lots & Garages	Automotive Parking
Motor Vehicle Parts (No exterior storage)	General Retail Sales
Motor Vehicle Sales & Leasing	Vehicular, Craft, & Related Equipment
Motor Vehicle Towing Services	Automotive Repair & Servicing
Motor Vehicle Transmission Repair Shops	Automotive Repair & Servicing
Motorcycle Dealers	Vehicular, Craft, & Related Equipment
Movie Theaters (excluding adult entertainment as defined)	Entertainment & Amusement Services – Indoor

Museums	Cultural & Recreational Services
Muffler and Radiator Shops	Automotive Repair & Servicing
Music Schools	General Personal Services
Music Stores	General Retail Trade
Musical Instrument Repair Shops	Consumer Repair Services

N

News Stands (excluding adult bookstores as defined)	General Retail Trade
News Syndicates	General Business & Communication Services
Nursery Schools (Public/Private)	Community Education
Nurseries (retail)	General Retail Trade
Nurseries (wholesale)	Plant & Forest Nurseries
Nursing Homes	Health Care Facilities

O

Observation Centers	Health Care Facilities
Office Equipment Cleaning and Repair	Consumer Repair Services
Optical Instrument & Lens Manufacturing	Light Industrial Activities
Optometrists	Medical Services

P

Packing and Crating Services	Transport & Warehousing
Paint and Wallpaper Stores	General Retail Trade
Paintball Fields	Entertainment & Amusement Services – Outdoor
Painting, Paper Hanging and Decorating Services	General Personal Services
Paper Manufacturing	Heavy Industrial Activities
Parks	Cultural & Recreational Services
Pet Day Care	Animal Care & Veterinarian Services
Pet Grooming and Cleaning	Animal Care & Veterinarian Services
Petroleum and Petroleum Products Storage/ Production	Heavy Industrial Activities
Photo-finishing Services	General Business & Communication Services
Photographic Studios	General Personal Services
Physicians' Offices and Clinics	Medical Services
Planetariums	Cultural & Recreational Services
Planning Services	Financial, Consultative, & Administrative Services
Plant Nursery (wholesale)	Plant & Forest Nurseries
Playfields – See Ballfields	
Playgrounds	Cultural & Recreational Services
Plumbing Supplies	Construction Sales & Services
Police Department Facilities	Administrative Services
Political Organizations	General Business & Communication Services
Post Offices	Administrative Services
Printing, Publishing & Engraving	General Business & Communication Services
Product Assembly (within enclosed buildings)	Light Industrial Activities

Professional Associations	General Business & Communication Services
Protective Services	General Business & Communications Services
Psychologists and Psychotherapists	Medical Services
Pumping Facilities for Water and Sewer Systems	Essential Services

Q

Quarrying (rock, stone, gravel)	Mining, Drilling, & Quarrying

R

Race Tracks (Auto, Motorcycle, Dog, and Horse)	Group Assembly
Radio and Television Broadcasting Studios	General Business & Communication Services
Radio and Television Transmission Facilities	Extensive Impact Facilities
Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards	Extensive Impact Facilities
Raising of Plants, Animals & Fish	Crop & Animal Raising
Rap Parlor	Adult Entertainment
Real Estate Brokers, Managers and Appraisers	Financial, Consultative, & Administrative Services
Recreational Centers	Cultural & Recreational Services
Recreational Vehicle, including all-terrain vehicles(ATV) and Utility Trailer Dealers	Vehicular, Craft, & Related Equipment
Recording Studios	General Business & Communication Services
Recycling Centers	Light Industrial Activities
Refrigerated Warehousing	Transport & Warehousing
Rehabilitation Centers	Health Care Facilities
Religious Facilities	Community Assembly
Remote Controlled Fields (Airplanes, Cars, etc.)	Entertainment and Amusement Services - Outdoor
Rental Agencies	General Personal Services
Rental Agencies (Heavy Equipment)	Light Industrial Activities
Research and Development Laboratories	General Business & Communication Services
Restaurants	Food & Beverage Services
Restaurants with Drive-in or Drive-Thru Service	Food Service Drive-In & Drive-Thru
Retail Nurseries	General Retail Trade
Retirement or Rest Homes (without health care)	Personal & Group Care Facilities
Retreat	Minimal Impact Facility

S

Saddlery Repair Shops	Consumer Repair Services
Salvage Operations	Scrap Operations
Sanitary Landfill (by special exception only)	Extensive Impact Facilities
Savings and Loan Associations	Financial, Consultative, & Administrative Services
Schools (Art and Music)	General Personal Services
Schools (Barber and Beauty)	General Business & Communication Services

Schools (Business)	General Business & Communication Services
Schools (Dancing)	General Personal Services
Schools (Driving, Personal Passenger Vehicles)	General Personal Services
Schools (Driving, Trucks & Heavy Vehicles)	Light Industrial Activities
Schools (Kindergarten, Primary, Secondary)	Community Education
Schools (Trade)	General Business & Communication Services
Scientific Research Services	Financial, Consultative, & Administrative Services
Scientific & Professional Instrument Manufacturing	Light Industrial Activities
Scientists (Medical Research)	Medical Services
Scrap & Waste Processing	Scrap Operations
Seasonal Attractions	Agricultural Tourism
Securities Commodities, Brokers, Dealers, and Exchanges	Financial, Consultative, & Administrative Services
Secondhand Stores & Shops	General Retail Trade
Seed Storage and Sales	Agricultural Sales & Services
Sewage Treatment Plants (excluding decentralized systems such as STEP)	Extensive Impact Facilities
Sewing and Piece Goods Stores	General Retail Trade
Sexual Encounter Center	Adult Entertainment
Shoe Repair Shops	Consumer Repair Services
Shoe Stores	General Retail Trade
Single Room Occupancy Residential Facility (SRO)	Transient Accommodations
Skating Rinks	Entertainment & Amusement Services – Indoor
Soil Preparation Services	Agricultural Sales & Services
Songwriters, Music Arrangers	Financial, Consultative, & Administrative Services
Special Training and Schooling Services	General Personal Services
Sporting Goods Stores	General Retail Trade
Sports Arenas (Commercial)	Group Assembly
Sport Tracks – Outdoor (i.e. motocross, mudbogs, etc.)	Entertainment and Amusement Services - Outdoor
Stadiums and Sports Arenas	Extensive Impact Facilities
Swimming Pools (Community)	Cultural & Recreational Services

T

Tattoo Services	General Personal Services
Tailors	General Retail Trade
Telephone Switching Facilities	Essential Services
Television and Recording Production Studios	General Business & Communication Services
Television Transmission Facilities	Extensive Impact Facilities
Terminals (Bus, Railroad, Transit)	Extensive Impact Facilities
Testing Laboratories (Commercial)	General Business & Communications Services
Theaters (Movie or Live)	Entertainment & Amusement Services – Indoor
Tire Retreading and Repair Shops	Automotive Repair & Servicing
Title Offices	Financial, Consultative, & Administrative Services
Tobacco Products	General Retail Trade

Transit Passenger Stations	Essential Services
Transitional Homes	Institutional Care Facilities
Transmission Repair Shops and Tire Retreading	Automotive Repair & Servicing
Truck and Bus Maintenance/Repair	Transport & Warehousing
Truck Stops with Facilities for Fueling, Truck Parking and Washing	Transport & Warehousing
Truck Terminals and Freight Handling Services	Transport & Warehousing
Truck Yards, including Storage Yards	Extensive Impact Facilities

U

Undertakers	Undertaking Services
Uniform Stores	General Retail Trade
Upholstery Repair	Consumer Repair Services
Upholstery, Curtain and Drapery Stores	General Retail Trade

V

Variety Stores	General Retail Trade
Vegetable and Fruit Market/Store	General Retail Trade
Veterinarian Clinics	Animal Care & Veterinarian Services
Veterinarian Services for Large Animals	Agricultural Sales & Services

W

Warehouses	Transport & Warehousing
Watch Repair	Consumer Repair Services
Water Storage Facilities	Essential Services
Water Treatment Plants	Extensive Impact Facilities
Wedding Chapels	General Personal Service
Welding & Machine Shops	Light Industrial Activities
Winery (see also Farm Winery & Vineyard)	Food & Beverage Service
Wood Products Manufacturing & Planning Mills	Light Industrial Activities
Wrecker Services	Transport & Warehousing
Writers	Financial, Consultative, & Administrative Services

Y

Yoga Studio	General Personal Services

Z

Zoo	Cultural & Recreational Services

APPENDIX D

Off Street Parking Requirements

RESIDENTIAL ACTIVITIES	
Permanent	
One-family, two-family detached dwellings, Townhomes	2 spaces per dwelling unit
Multi-Family	1.5 spaces for a one bedroom unit and 1.75 spaces for two or more bedroom unit
Mobile Homes	2 spaces per mobile home
Bed & Breakfast Homestay	1 space for each guest room
Semi-Permanent	
Boarding or rooming house	1 space per unit
Dormitory	1 space for each 4 beds
COMMUNITY FACILITY ACTIVITIES	
Administrative Services	1 space for each 300 sq. ft. of gross floor area
Community Assembly	
Religious Facilities	1 space for each 5 seats in main assembly room or 20 percent of capacity in main assembly room
All Others	1 space for each 2 seats or 50 percent capacity in persons
Community Education	
Kindergarten or Nursery	1 space for each employee plus 1 space for each 4 students, teachers and employees, whichever is greater
Elementary & Middle Schools	1 space for each classroom or 1 space for each 5 seats in the auditorium or 1 space for each 4 students, teachers and employees, whichever is greater
High School	4 spaces for each classroom or 1 space for each 5 seats in the auditorium or 1 space for each 4 students, teachers and employees, whichever is greater
Cultural & Recreation Services	
Art Galleries, Libraries, & Museums,	1 space for each 800 sq. ft. of gross floor area
Swimming pools	30 percent of capacity
Extensive Impact Facilities	
Airports, Air Cargo Terminals, Heliports or Aeronautical Devices	1 space for each 2 employees, plus 1 space for every 100 sq. ft. of gross floor area

Correctional or Detention Institutions	1 space for each 2 employees, plus 1 space for each patrol car
Electricity Transmitting Facilities, Communication Towers & Transmission Facilities	2 spaces minimum, the Board may require more based on operational characteristics
Railroad, Bus & Transit Terminals	1 space for each 100 sq. ft. of waiting room area
Railroad Yards & Other Transportation Equipment Marshaling & Storage Yards	1 space for each 2 employees
Stadiums, Sports Arenas, Auditoriums & Bandstands	1 space for each 4 seats
Water & Sewage Treatment Plants	1 space for each employee
Health Care Facilities	
Centers for Observation, Rehabilitation, Convalescent Homes	1 space for each 4 beds, plus 1 space for each 1,000 sq. ft. of gross floor area
Hospitals	1.5 spaces for each bed
Nursing Homes	1 space for each employee, plus 1 space for each 3 patients
Institutional Care Facilities	1 space for each employee plus 1 space for each 3 occupants
Minimal Impact Facilities	
Retreats	1 space for every 3 people at maximum capacity of the main assembly room plus one space for every guestroom or campsite
Personal & Group Care Facilities	
Family/Group Child Care Homes	1.5 spaces for each 2 employees
Senior Citizen Residential Centers High-rise Apartments Detached or Low-rise Attached Units	 0.75 spaces per unit 1 space for each unit
COMMERCIAL ACTIVITIES	
Adult Entertainment	1 space for each 250 sq. ft. of gross floor area
Animal Care and Veterinarian Services	1 space for each 250 sq. ft. of gross floor area, plus 1 space for each employee
Automotive Repair & Services Oil Change Shops	1 space for each employee, plus 4 spaces for each service bay 2 spaces for the use, plus 2 spaces per oil change bay
Consumer Repair Services	1 space for each 250 sq. ft. of gross floor area
Construction Sales & Services	1 space for each 1,000 sq. ft. of sales/office floor area, plus 1 space for each employee

Entertainment & Amusement Services	
Art Galleries	1 space for each 800 sq. ft. of gross floor area
Ballfields	10 for every acre of land, plus 1 for every 4 spectator seats or 1 for each 8 linear feet of bleacher seats whichever is greater
Bowling Alley	5 spaces for each alley or lane
Billiard Parlor	1 space for each 300 sq. ft. of gross floor area
Amusement Arcades	1 space for each 200 sq. ft. of gross floor area
Exhibition Halls & Auditoriums (fewer than 150 participants)	40 percent of capacity
Movie Picture & Live Theater	1 space for each 5 seats
Financial, Consultative & Administrative Services	1 space for each 250 sq. ft. of gross floor area
Food and Beverage Services	1 space for each 2 seats
Food Service Drive-in or Drive-Thru	1 space for each 150 sq. ft. of gross floor area, plus 5 queuing spaces
General Business & Communications Services	
Vocational or Trade Schools	1 space for each 1,000 sq. ft. of gross floor area plus 1 space for each 6 seats in any auditorium
All Others	1 space for each 400 sq. ft. of gross floor area
General Personal Services	
Child Care Centers	1 space for each employee, plus 1 space for each 5 children
Dance Schools & Exercise Studios	1 space for each 100 sq. ft. of gross floor area
Health Spa	1 space for each 150 sq. ft.
Mini Warehouses	1 space for each 20 storage stalls, plus 2 spaces per managers residence
All Others	1 space for each 400 sq. ft. of gross floor area
General Retail Trade	
Furniture Stores	1 space for each 500 sq. ft. of gross floor area
Commercial Shopping Centers, Complexes and Malls 0 - 400,000 sq. ft. 400,001 - 1,000,000 sq. ft. Over 1,000,000 sq. ft.	 4 spaces for each 1,000 sq. ft. of gross leasable area 4.5 spaces for each 1,000 sq. ft. of gross leasable area

	5.0 spaces for each 1,000 sq. ft. of gross leasable area
All Others	1 space for each 250 sq. ft. of gross floor area
Medical Services	1 space for each 200 sq. ft. of gross floor area
Transient Accommodations	1 space for each rental room, plus 1 space for each 2 employees
Campground	1 space per campsite
Undertaking Services	
Funeral & Crematory Services	1 space for each 100 sq. ft. of gross floor area
With an Associated Chapel	1 space for each 4 seats
Vehicular, Craft & Related Equipment	1 space for each 500 sq. ft. of gross floor area
Wholesale Sales	1 space for each 1,000 sq. ft. of gross floor area
INDUSTRIAL ACTIVITIES	
All Activities	1 space for each 1,500 sq. ft. of gross floor area or 1 space for 3 employees during the largest shift, whichever is greater
Mining, Drilling & Quarrying	1.5 spaces for each 2 employees
Transport & Warehousing	1 space for each 2,000 sq. ft., plus 1 space for each 5,000 sq. ft. of open storage area
AGRICULTURAL ACTIVITIES	
Agricultural Sales and Services	
Veterinary Services for large animals	1 space for each 300 sq. ft. of gross floor area
Feed & Farm Equipment Sales	1 space for each 1,000 sq. ft. of gross floor area, plus 1 space for each employee
All Others	1 space for each employee
Plant & Forest Nurseries	5 spaces, plus 1 space for each employee and 1 space for each 5 acres