

# New Zoning Ordinance

## Public Review Draft Module 1A & 1B - June 2024

*Article 1: General Provisions*

*Article 2: Administration*

*Article 3: Zone Districts*

*Article 4: Use Regulations*

*Article 6: Nonconformities*

*Article 7: Enforcement*

*Article 8: Definitions and Rules for Construction, Interpretation, and Measurement*

MAURY COUNTY  
UNIFIED  
— DEVELOPMENT —  
PLAN  
TENNESSEE



*McBride* **DALE** **CLARION**





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# Article 1: General Provisions

## Commentary on Draft:

**Article 1: General Provisions**, is composed of important general provisions that are relevant to the entire Zoning Ordinance.

**Section 1.1, Title**, establishes the title of the document;

**Section 1.2, Authority**, identifies the County's authority to adopt the Zoning Ordinance;

**Section 1.3, General Purpose and Intent**, establishes the general purpose and intent of the Board of Commissioners in adopting the Zoning Ordinance;

**Section 1.4, Applicability and Jurisdiction**, establishes which persons or entities are subject to the Zoning Ordinance;

**Section 1.6, Relationship with other County Laws** clarifies that when the Zoning Ordinance conflicts with other regulations, the stricter provision applies, to the extent allowed by law;

**Section 1.7, Official Zoning Map**, identifies the Official Zoning District Map and the option of maintaining a digital version;

**Section 1.8, Transitional Rules**, establishes transitional provisions that clarify the changes in zone districts, and the rules that apply to development approved under the previous Zoning Ordinance and applications pending when the updated Zoning Ordinance takes effect;

**Section 1.10, Effective Date**, provides an effective date for the updated Zoning Ordinance; and

**Section 1.11, Severability**, provides a severability provision.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 1.1 Title<sup>1</sup>

### 1.1.1. Title

This Ordinance shall be known as "The Maury County, Tennessee, Zoning Ordinance" and may be referred to as "the Zoning Ordinance" or "this Ordinance."

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## Section 1.2 Authority<sup>2</sup>

### 1.2.1. General Authority

This Ordinance establishes the County's zoning regulatory authority as authorized by the Tennessee Code Annotated and is adopted in accordance with:

- (A) The enabling authority contained in Title 13, Chapter 7, Part 1 of the Tennessee Code Annotated (as amended); and

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<sup>1</sup> This section establishes the title of the Zoning Ordinance, along with several shortened titles or names.

<sup>2</sup> This subsection is new and identifies the authority the County has under Tennessee law to adopt the Zoning Ordinance.

- (B) All other relevant laws of the State of Tennessee.

### **1.2.2. References to the Tennessee Code Annotated (T.C.A.)**

Whenever any provision of this Ordinance refers to or cites a section of the Tennessee Code Annotated (T.C.A.) (as amended), and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

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## **Section 1.3 General Purpose and Intent<sup>3</sup>**

In addition to the purpose of zoning regulations established in T.C.A. Section 13-7-103, the purpose of this Ordinance is to implement the Maury County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the County by:

- (A) Establishing a responsible pattern of land use and encouraging the most appropriate use of individual parcels of land in the County;
- (B) Ensuring the County's rural character is maintained and protected;
- (C) Ensuring urban and suburban growth in the unincorporated County is located proximate to existing municipalities, at nodes on major road corridors, and at interstate interchanges;
- (D) Ensuring a range and diversity of housing options;
- (E) Ensuring new development is coordinated with available planned public services and infrastructure, and adequate public facilities are available to serve new growth and development;
- (F) Ensuring the natural environment, wildlife habitat, open spaces, and historic resources are protected and conserved;
- (G) Ensuring adequate natural light, clean air, privacy, and convenient access is available to all properties;
- (H) Ensuring the bulk, scale, and density of both new and existing structures preserves the desired character of the County;
- (I) Ensuring there are appropriate transitions between incompatible land uses;
- (J) Promoting economic development and an active and dynamic economy;
- (K) Mitigating and/or avoiding the hazards of flooding, topography, steep slopes, storm water accumulation, and run-off.

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## **Section 1.4 Applicability and Jurisdiction**

The provisions of this Ordinance shall apply to the development of all land in unincorporated Maury County, unless exempted by this Ordinance, or state law, or federal law. No land in the unincorporated County shall be developed without compliance with the requirements of this Ordinance, and all other applicable County, state, and federal laws and regulations.

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## **Section 1.5 Conformance with Adopted Development Plans**

The goal of this Ordinance is to ensure that all development within the unincorporated County is consistent with, and conforms to the vision, goals, and objectives of any adopted County plans addressing growth and development within the unincorporated County. To the extent this Ordinance is or becomes inconsistent with these adopted plans, it should be amended to become or remain consistent

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<sup>3</sup> This section builds on Sec. 1.010 of the current zoning ordinance but adds additional purpose statements based on the current County goals for future growth and development.

with the adopted plans. All amendments to this Ordinance's text or the Official Zoning Map should maintain and enhance consistency between this Ordinance and the adopted plans.

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## **Section 1.6 Relationship with Other County Laws<sup>4</sup>**

### **1.6.1. Conflicts with Other County Laws**

If a provision of this Ordinance is inconsistent with another provision of this Ordinance, or with a provision found in other adopted codes or ordinances of the County, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

### **1.6.2. Conflicts with Private Agreements**

The County shall not be responsible for monitoring or enforcing private easements, covenants, and restrictions, although the County may inquire as to whether land is subject to easements, covenants, and restrictions during the review of applications.

### **1.6.3. Conflicts with State or Federal Law**

If a provision of this Ordinance is inconsistent with a provision found in the law or regulations of the State or Federal government, the more restrictive provision shall control, to the extent permitted by law.

### **1.6.4. Vested Rights**

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing vested rights previously adopted, established, or issued in accordance with all applicable laws, provided such rights are lawfully established and remain in effect.

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## **Section 1.7 Official Zoning Map<sup>5</sup>**

### **1.7.1. Generally**

The Official Zoning Map of Maury County designates the location and boundaries of the various zone districts established in this Ordinance. The Official Zoning Map:

- (A) Shall be kept on file and be maintained by the Director of Building and Zoning and made available for public inspection in the Building and Zoning offices during normal business hours;
- (B) May be kept in either hardcopy or digital form; and
- (C) Shall be the final authority as to the status of the current zone district classification of land in the County and shall only be amended in accordance with this Ordinance.

### **1.7.2. Incorporated by Reference**

The Official Zoning Map and all its notations are incorporated into this Ordinance by reference and made part of this Ordinance.

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<sup>4</sup> This is a new section that addresses the relationship of the Zoning Ordinance with other laws and private agreements. It generally establishes the following rules: (1) that where there are conflicts between the Zoning Ordinance and other County laws, the more restrictive provision governs unless it is expressly stated to the contrary; (2) that where the Zoning Ordinance conflicts with state or federal laws the more restrictive provisions control, to the extent permitted by law. It also states that the County does not have any responsibility to monitor or enforce private agreements, like covenants—that is the responsibility of private parties. Finally, it is clarified that nothing in the Zoning Ordinance is intended to repeal, supersede, or interfere with vested rights under the law.

<sup>5</sup> This section builds on elements of Secs. 5.020 and 5.030 of the current Zoning Ordinance. It establishes and describes the Official Zoning Map, incorporates by reference the map into the Zoning Ordinance, states where it is to be kept and maintained (the office of the Director of Building and Zoning, renamed from Building Commissioner), establishes rules governing the interpretation of zone district boundaries, and references how the map may be amended. It also includes a table showing the translation of zone districts (and zone district boundaries) from the old ordinance to the updated ordinance.



### **1.7.3. Damaged, Destroyed, or Lost**

In the event the Official Zoning Map is damaged, destroyed, lost, or becomes difficult to read and interpret due to the number of changes, the Maury County Commission (“County Commission”) may, by resolution, adopt a new Official Zoning Map to replace the damaged, destroyed, or lost map. The new Official Zoning Map shall not make any substantive changes (amendments) except in accordance with the procedures of this Zoning Ordinance but may correct drafting and other clerical errors and omissions on the previous Official Zoning Map.

### **1.7.4. Boundaries of Zone Districts**

Unless otherwise expressly stated in the ordinance adopting an official Zoning Map Amendment (see Section 2.5.2), zone district boundaries shall follow the property lines or centerline of streets, or such lines extended, fixed by dimensions, or otherwise clearly shown or described.

### **1.7.5. Interpretation of Official Zone District Boundaries**

The following rules shall be used to determine the precise location of any zone district boundary shown on the Official Zoning Map:

- (A) Boundaries shown as following or approximately following the boundaries of any municipal corporation shall be construed as following such boundaries.
- (B) Boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerlines of such streets or railroad lines.
- (C) Boundary lines which follow or approximately follow platted property lines or other property lines as shown on the Maury County Tax Maps shall be construed as following such lines.
- (D) Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerline of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zone district boundaries shall be construed as moving with the channel centerline.
- (E) Boundaries shown as following or approximately following ridgelines or watersheds shall be construed as following such lines.
- (F) Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in subsections (A) through (E) above shall be construed to be parallel to such features and at such distances therefrom as are shown on the Official Zoning Map.

### **1.7.6. Amendments to the Official Zoning Map**

- (A) Changes made in zone district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with the provisions of this Ordinance (see Sec 2.5.2, Zoning Map Amendment, and Sec.2.5.3, Planned Development District Map Amendment).
- (B) Changes shall be entered on the Official Zoning Map by the Director of Building and Zoning (“Director”) within a reasonable amount of time after the amendment is approved by the County Commission.
- (C) Where the ordinance enacting a zone district boundary change contains wording explaining or clarifying the location of the new boundary, the Director may enter on the Official Zoning Map notations reflecting the ordinance wording.
- (D) The Director shall maintain copies of superseded versions of the Official Zoning Map for historical reference.

### **1.7.7. Transition to New Zone Districts**

On the effective date of this Ordinance, land zoned with a zone district classification from the previous Zoning Resolution shall be translated or reclassified to one of the zone district classifications in this Ordinance as set forth in Section 3.1.1, Zone Districts Established. Table 1-1: Translation to New Zone

Districts, summarizes the translation or reclassification of the base zone districts in the previous Zoning Ordinance to the zone districts used in this Ordinance.

<b>Table 1-1: Translation to New Zone Districts</b>		
<b>Zone District in Previous Resolution</b>	<b>Zone District in this Ordinance</b>	<b>Sec.</b>
<b>Agricultural and Residential Districts</b>		
[2]	AP: Agricultural Preservation	3.2.2
A-1: Agricultural Forestry	RR: Residential Rural	3.2.3
A-2: Rural Residential		
A-2A: Rural Residential		
R-1: Suburban Residential	RG: Residential General	3.2.4
R-2: Urban Fringe Residential		
[2]	RN: Residential Neighborhood	3.2.5
<b>Commercial Districts</b>		
C-1: Rural Center	CRC: Commercial Rural Center	3.3.2
[2]	CN: Commercial Neighborhood	3.3.3
C-2: General Commercial	CC: Commercial Center	3.3.4
C-3: Special Commercial	[Deleted] [1]	
[2]	COR: Commercial Corridor	3.3.5
M-1: Light Industrial	IL: Industrial Light	3.3.6
M-2: Heavy Industrial	IM: Industrial Medium	3.3.7
M-3: Special Industrial	IH: Industrial Heavy	3.3.8
<b>Planned Development Districts</b>		
R-PUD: Residential PUD	[Deleted]	
CG-PUD: Commercial General PUD		
CC-PUD: Commercial Convenience PUD		
I-PUD: Industrial PUD		
	PD: Planned Development District	3.4.2
<b>Overlay</b>		
Floodway District	FP-O: Floodplain Overlay District	3.5.2
<b>NOTES:</b>		
[1] Deleted districts have no automatic transition. Property classified to a deleted district is reclassified to a new district based on an individualized determination of the appropriate district.		
[2] New districts are not applied as a default classification but are instead applied based on an individualized determination of the appropriate district.		

## Section 1.8 Transitional Rules<sup>6</sup>

### 1.8.1. Violations Continue

Any violation of the previous Zoning Resolution shall continue to be a violation under this Ordinance and any other applicable ordinances, laws, or statutes. Violations of this Ordinance shall be subject to the penalties set forth in Article 7: Enforcement, and any other applicable ordinances, laws, or statutes.

<sup>6</sup> This new section on transition from the old Zoning Ordinance to the updated Zoning Ordinance provides rules governing how the updated Zoning Ordinance will treat development applications that were accepted as complete before the effective date of the updated ordinance (pending applications), but were not approved, as well as permits and development approvals issued under the old ordinance. Finally, it states how actions that were violations under the old ordinance will be treated under the new ordinance.

### 1.8.2. Completed Applications

- (A) Any application submitted and accepted as complete before \_\_\_\_\_ [insert effective date of this Ordinance], but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted as complete. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 6: Nonconformities.
- (B) Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire, and future development shall be subject to the requirements of this Ordinance.
- (C) An applicant with a pending application accepted before \_\_\_\_\_ [insert the effective date of this Ordinance] may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the standards of this Ordinance.

### 1.8.3. Approved Applications

- (A) Any development approvals or permits granted before \_\_\_\_\_ [insert the effective date of this Ordinance] in accordance with the procedures outlined in the previous Resolution and/or the Maury County Subdivision Regulations shall remain valid until their expiration date. Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.
- (B) If the prior approval or permit expires or is revoked (i.e., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall comply with the procedures and standards of this Ordinance.
- (C) To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 6: Nonconformities.

### 1.8.4. Nonconformities

If any use, structure, lot, or sign legally existed on \_\_\_\_\_ [insert the effective date of this Ordinance], but does not fully comply with the standards of this Ordinance, then that use, structure, lot, or sign shall be considered nonconforming under this Ordinance and shall be subject to the provisions of Article 6: Nonconformities.

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## Section 1.9 Use of Graphics, Illustrations, Figures, and Cross-References<sup>7</sup>

### 1.9.1. Graphics, Illustrations, and Figures

Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

### 1.9.2. Cross References

In some instances, cross-references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the referenced article, section,

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<sup>7</sup> This section is new. It states: (1) that graphics, illustrations, and figures are for illustrative purposes only, and where there is a conflict between the text and any graphic, illustration, or figure, the text shall control; and (2) that if there is a conflict between a cross-reference number and name, the name shall control.

or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.

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### Section 1.10 Effective Date<sup>8</sup>

This Ordinance shall become effective on [REDACTED] and repeals and replaces the Maury County Zoning Resolution, as originally adopted on [REDACTED], and subsequently amended.

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### Section 1.11 Severability<sup>9</sup>

It is the legislative intent of the County Commission in adopting this Ordinance that all provisions shall regulate development in accordance with the existing and future needs of the County as established in this Ordinance, and promote the public health, safety, and general welfare of the landowners and residents of the County. If any section, subsection, sentence, boundary, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The County Commission hereby declares that it would have passed this Ordinance and any section, subsection, sentence, boundary, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, boundaries, clauses, or phrases be declared invalid.

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<sup>8</sup> This section establishes the effective date of the Zoning Ordinance. **Note to Staff:** Please provide the date of adoption for the current Zoning Resolution.

<sup>9</sup> This severability provision is new. It declares the County Commission intent that if a court determines any portion, section, or clause of the Zoning Ordinance invalid, it is the intent of the Commissioners that such decision not affect the validity of the remainder of the Ordinance.





# Article 2: Administration

## Commentary on Draft:

**Article 2: Administration**, consolidates all development review procedures and creates a set of standard procedures that generally apply to all development applications. It adds several new procedures, clarifies some procedures that are referenced but not fully set out in the current Zoning Resolution, and codifies several procedures that are being used in the current development review process (but are not set down in the current regulations). The article is organized into five sections.

**Section 2.1, Organization**, summarizes the article's organization.

**Section 2.2, Summary Table of Development Review Responsibilities**, consists of a summary table of the development approvals and permits required under the Ordinance, and the responsibilities of the various bodies and persons for reviewing, making recommendations on, and making decisions on each application.

**Section 2.3, Advisory and Decision-Making Bodies and Persons**, identifies the powers and duties of the reviewing bodies and persons under the Zoning Resolution, including the responsibilities of each with regard to the various types of applications.

**Section 2.4, Standard Application Requirements and Procedures**, establishes a standard set of review procedures that are generally applicable to the review of development applications. It provides the framework under which the City's development review procedures for applications are made uniform to the greatest degree possible.

**Section 2.5, Application Specific Review Procedures and Decision Standards**, supplements the standard review procedures. For each type of development application, it identifies in what situations application approval is necessary (or available), any applicable modifications of or additions to the standard procedures, and the standards for making a decision on the application.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 2.1 Organization<sup>10</sup>

Article 2: Administration is organized into the following sections:

- 2.1.1. Section 2.1, Organization, summarizes the article's organization.
- 2.1.2. Section 2.2, Summary Table of Development Review Responsibilities, provides a summary table of the actions required for each body or person that reviews, advises, or make decisions on each type of development application.
- 2.1.3. Section 2.3, Advisory and Decision-Making Bodies, describes the powers and duties of the various bodies and persons that review and make decisions on development applications.
- 2.1.4. Section 2.4, Standard Application Requirements and Procedures, describes procedures that generally apply to the review of all development applications.
- 2.1.5. Section 2.5, Application Specific Review Procedures and Decision Standards, contains specific information for each type of development application, including applicable additions or modifications to the standard review procedures, and the review standards for making a decision.

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<sup>10</sup> This is a new section that outlines the general organization of the article.

## Section 2.2 Summary Table of Development Review Responsibilities<sup>11</sup>

Table 2-1: Summary of Development Review Responsibilities, identifies the types of development approvals and permits authorized by this Ordinance. It also summarizes the action required by advisory and decision-making bodies for a decision for each type of application.

<b>Table 2-1: Summary of Development Review Responsibilities</b>				
D = Decision R = Recommendation S = Staff Review A= Appeal				
* = Public Hearing				
+ = Pre-application conference required ^ = Neighborhood meeting may be required				
<b>Review Procedure</b>	<b>Director of Building and Zoning</b>	<b>Board of Zoning Appeals</b>	<b>Planning Commission</b>	<b>County Commission</b>
<b>Discretionary Approvals</b>				
Zoning Map Amendment+^	R		R	D*
Zoning Ordinance Text Amendment+	R		R	D*
Planned Development Map Amendment+^	R		R	D*
Special Exception Permit+	S	D*		
<b>Site Development</b>				
Site Plan				
Minor	D			
Major+	R		D*	
Zoning Compliance Certificate	D			
<b>Permits</b>				
Sign Permit	D			
Home Occupation Permit	D			
Temporary Use Permit	D			
Utility System Permit	S		R	D
House Moving Permit	S		D	
Building Permit	D			
<b>Relief and Interpretation</b>				
Zoning Variance	S	D*		
Floodplain Variance	S	D*		
Appeal of Administrative Decision	S	D*		
Floodplain Appeal	S	D*		
Interpretation	D	A*		

<sup>11</sup> This new section includes a summary table of the development review responsibilities of the advisory and decision-making bodies and persons. It allows users to quickly identify the various types of development approvals and permits in the Zoning Ordinance, and the advisory and decision-making bodies and persons involved in advising on or deciding each application.

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## Section 2.3 Advisory and Decision-Making Bodies<sup>12</sup>

### 2.3.1. Maury County Commission<sup>13</sup>

To exercise its authority in accordance with state law, the Maury County Commission (“County Commission”) shall have the following powers and duties under this Ordinance:

- (A) To review and decide the following:
  - (1) Zoning Ordinance Text Amendment (Sec. 2.5.1);
  - (2) Zoning Map Amendment (Sec. 2.5.2);
  - (3) Planned Development District Map Amendment (Sec. 2.5.3); and
  - (4) Utility System Permit (Sec. 2.5.10).
- (B) To establish fees for permits and development approvals reviewed under this Ordinance; and
- (C) To take any other action not assigned or delegated to the Planning Commission, Board of Zoning Appeals, and Director of Building and Zoning, or other decision-making body or staff as the County Commission may deem desirable and necessary to implement the provisions of this Ordinance.

### 2.3.2. Maury County Regional Planning Commission<sup>14</sup>

The Maury County Regional Planning Commission (“Planning Commission”) is established in accordance with state law.

#### (A) Powers and Duties

The Planning Commission shall have the following powers and duties under this Ordinance:

- (1) To review and decide the following:
  - (a) Major Site Plan (Sec. 2.5.5(E)); and
  - (b) House Moving Permit (Sec. 2.5.11);
- (2) To review and provide a recommendation on the following:
  - (a) Zoning Ordinance Text Amendment (Sec. 2.5.1);
  - (b) Zoning Map Amendment (Sec. 2.5.2);
  - (c) Planned Development District Map Amendment (Sec. 2.5.3); and
  - (d) Utility System Permit (Sec. 2.5.10).
- (3) To undertake any other powers and duties assigned to it by the County Commission in accordance with state law.

#### (B) Appointment of Members, Terms of Office

The number of members, their appointment, term, succession, removal, and filling of vacancies shall be in accordance with State law and this Ordinance.

#### (C) Officers, Rules of Procedure, Meetings

The Planning Commission shall elect officers, adopt bylaws, and rules of procedure, and conduct meetings in accordance with the standards in this Ordinance and state law.

#### (D) Staff

The Director of Building and Zoning may appoint staff to serve the Planning Commission.

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<sup>12</sup> This is a new section that builds on Secs. 8.060 and 8.090 of the current Zoning Resolution. It summarizes, in text and in one place, the advisory and decision-making responsibilities of the review boards and persons under the updated Zoning Ordinance.

<sup>13</sup> This section identifies the powers and duties of County Commission under the updated Zoning Ordinance.

<sup>14</sup> This section establishes the Planning Commission and identifies its powers and duties under the updated Zoning Ordinance.

### 2.3.3. Board of Zoning Appeals (BZA)<sup>15</sup>

The Board of Zoning Appeals (BZA) is hereby established in accordance with state law.<sup>16</sup>

#### (A) Powers and Duties

The BZA shall have the following powers and duties under this Ordinance:

- (1) To review and decide the following:
  - (a) Special Exception Permit (Sec. 2.5.4);
  - (b) Zoning Variance (Sec. 2.5.13);
  - (c) Floodplain Variance (Sec. 2.5.14);
  - (d) Appeal of Administrative Decision (Sec. 2.5.15); and
  - (e) Floodplain Appeal (Sec. 2.5.16).

#### (B) Membership and Terms of Office

The membership of the BZA shall be in accordance with the following:

- (1) The number of members, their appointment, term, succession, removal, and filling of vacancies shall be in accordance with State law and this Ordinance.
- (2) No more than two members shall be Planning Commissioners.

#### (C) Bylaws and Rules of Procedure, Meetings

The BZA shall elect officers, adopt bylaws and rules of procedure, and conduct meetings in accordance with the standards of this Ordinance and State law.

### 2.3.4. Director of Building and Zoning (“Director”)<sup>17</sup>

#### (A) Powers and Duties

The Director of Building and Zoning (“Director”) shall have the following powers and duties under this Ordinance:

- (1) To review and decide the following:
  - (a) Minor Site Plan (Sec. 2.5.5(D));
  - (b) Zoning Compliance Certificate (Sec. 2.5.6);
  - (c) Sign Permit (Sec. 2.5.7);
  - (d) Home Occupation Permit (Sec. 2.5.8);
  - (e) Temporary Use Permit (Sec. 2.5.9);
  - (f) Building Permit (Sec. 2.5.12); and
  - (g) Interpretation (Sec. 2.5.17);
- (2) To review and make a recommendation on the following:
  - (a) Zoning Ordinance Text Amendment (Sec. 2.5.1);
  - (b) Zoning Map Amendment (Sec. 2.5.2);
  - (c) Planned Development District Map Amendment (Sec. 2.5.3);
  - (d) Major Site Plan (Sec. 2.5.5(E));
- (3) To review the following:
  - (a) Special Exception Permit (Sec. 2.5.4);
  - (b) Utility System Permit (Sec. 2.5.10);
  - (c) House Moving Permit (Sec. 2.5.11);
  - (d) Zoning Variance (Sec. 2.5.13);

<sup>15</sup> This section establishes the Board of Zoning Appeals and identifies its powers and duties.

<sup>16</sup> This carries forward the current regulations but removes references to specific state statutes.

<sup>17</sup> This section identifies the powers and duties of the Director of Building and Zoning (renamed from Building Commissioner in the Zoning Resolution) under the updated Zoning Ordinance. The Director of Building and Zoning is also responsible for administering and enforcing the Zoning Ordinance (see Article 7: Enforcement).

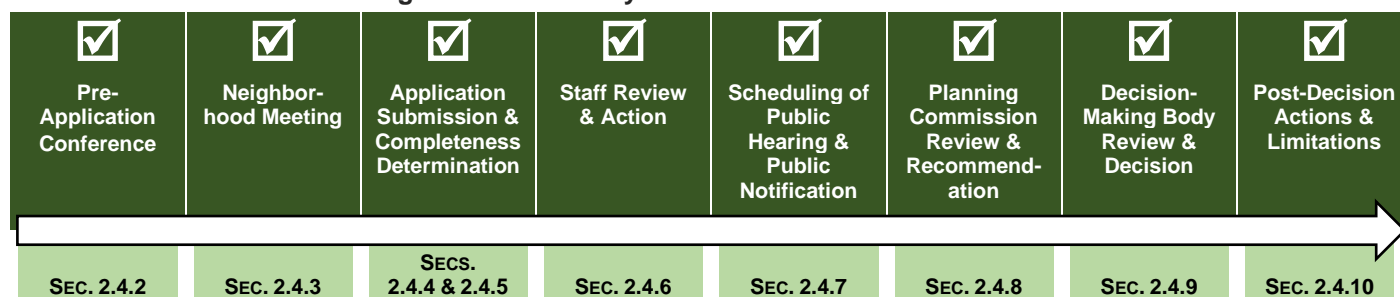
- (e) Floodplain Variance (Sec. 2.5.14);
  - (f) Appeal of Administrative Decision (Sec. 2.5.15); and
  - (g) Floodplain Appeal (Sec. 2.5.16);
  - (4) To perform all duties assigned to the Director in Section 5.13, Floodplain District Standards.
  - (5) To establish application content requirements and a submission schedule for the review of applications;
  - (6) To compile and amend as necessary a Procedures Manual that includes requirements for application contents and forms, submission schedules, a schedule of fees (established by the County Commission), and any additional information that the Director deems appropriate and relevant to the submittal of, review of, and decision on development applications;<sup>18</sup>
  - (7) To maintain the Official Zoning Map and related materials; and
  - (8) To enforce this Ordinance in accordance with Article 7: Enforcement.
- (B) Delegation<sup>19</sup>**  
 The Director may delegate any authority under this Ordinance to any professional level subordinate staff.

## Section 2.4 Standard Application Requirements and Procedures<sup>20</sup>

### 2.4.1. General

This Section establishes standard procedures that are generally applicable to the review of development applications under this Ordinance. Not all procedures in this Section are required for every development application. Section 2.5, Application Specific Review Procedures and Decision Standards, identifies for a specific type of application which standard procedures are required, and whether there are additions or modifications to the standard procedure. Figure 2-1: Summary of Standard Review Procedures, provides a summary of the standard review procedures. A similar figure with applicable changes is provided for each application specific procedure.

Figure 2-1: Summary of Standard Review Procedures



<sup>18</sup> In the Code Assessment, it is recommended that all development application requirements be moved to a Procedures Manual, instead of included in the Zoning Ordinance. It will make the Ordinance much less cumbersome. See discussion on Procedures Manual in the Code Assessment (Section 1.5, Consider Using a Procedures Manual).

<sup>19</sup> The provision allows the Director to delegate the Commissioner's authority to any professional level subordinate staff.

<sup>20</sup> As discussed in the Code Assessment (see Section 1.6.2(b), Establish a Set of Standard Procedures), this section establishes a set of standard procedures that apply generally to the review of development applications. This ensures that procedures that are common to multiple review processes, such as submittal of applications and staff review, are not repeated in many different locations, which reduces redundancy and helps to minimize unintended inconsistencies.



☑= Applicable; ☒=Not Applicable; ❖=Optional

## 2.4.2. Pre-Application Conference<sup>21</sup>

### (A) Purpose

The purpose of a pre-application conference is to provide an opportunity for the applicant to review the submission requirements and the procedures and standards applicable to an anticipated application. A pre-application conference is also intended to provide an opportunity for County staff to become familiar with, and offer the applicant preliminary comments about the scope, features, and impacts of proposed development as it relates to the standards in this Ordinance.

### (B) Applicability

(1) A pre-application conference is required before the submission of any of the following applications:

- (a) Zoning Ordinance Text Amendment (Sec. 2.5.1);
- (b) Zoning Map Amendment (Sec. 2.5.2);
- (c) Planned Development District Map Amendment (Sec. 2.5.3);
- (d) Special Exception Permit (Sec. 2.5.4); and
- (e) Major site plan (Sec. 2.5.5(E)).

(2) A pre-application conference may be requested and held at the applicant's option before the submission of any development application not identified in subsection (1) above.

### (C) Procedure

#### (1) Scheduling

Upon receipt of the request for a pre-application conference, the Director shall schedule the pre-application conference and notify the applicant of the meeting time and location.

#### (2) Submission of Materials Prior to Meeting

Before a pre-application conference is held, the applicant shall submit to the Director a narrative describing the scope of the proposed application.

#### (3) Conduct of Meeting

The Director and relevant staff shall review the materials submitted by the applicant prior to the meeting, and at the meeting, seek any needed clarification from the applicant regarding the proposed application and identify any concerns, problems, or other factors the applicant should consider regarding the proposed application.

### (D) Effect

The pre-application conference is intended to facilitate the application review process. Discussions held in accordance with this section are not binding on the County. Processing times for review of development applications do not begin until an application is submitted and determined to be complete in accordance with Sec. 2.4.5, Application Completeness Determination.

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<sup>21</sup> This section creates a formal procedure for pre-application conferences. It builds on Sec. 8.011 of the Zoning Resolution. Pre-application conferences are required for Zoning Ordinance Text Amendments, Zoning Map Amendments, Planned Development Districts, Special Exception Permits, and Major Site Plans. They are optional for any other type of development application.

### 2.4.3. Neighborhood Meeting<sup>22</sup>

#### (A) Purpose

The purpose of this section is to establish a uniform procedure for pre-application neighborhood meetings. Pre-application neighborhood meetings are intended to educate owners and residents of nearby lands about a proposed application that is reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the proposal and resolve conflicts and outstanding issues, where possible, before an application is submitted.

#### (B) Applicability

- (1) A pre-application neighborhood meeting is required before the submission of applications for a Zoning Map Amendment (Sec. 2.5.2) and a Planned Development District Map Amendment (Sec. 2.5.3);
- (2) A pre-application neighborhood meeting may be held at the applicant's option before the submission of any development application not identified in subsection (1) above.

#### (C) Procedure

If a pre-application neighborhood meeting is conducted, it shall comply with the following requirements:

##### (1) Meeting Time and Location<sup>23</sup>

The meeting shall be held after 5:00 p.m. on a weekday at a location that is convenient and generally accessible to neighbors residing in proximity to the land subject to the proposed application.

##### (2) Meeting Notification

###### (a) Mailed Notice

The applicant shall mail notice of the meeting a minimum of ten days before the meeting to the Director and all persons to whom mailed notice of a public hearing on the development application is required by state law. If the proposed development application is not subject to a public hearing, notice shall be mailed to the Director and all owners of land that is within 500 feet of the land subject to the proposed application, measured from the nearest property lines.

###### (b) Posted Notice

The applicant shall post notification of the neighborhood meeting in a form established by the Director, on the land subject to the application, a minimum of ten days before the date fixed for the meeting.

###### (c) Notice Content

The notification shall state the time and place of the meeting, the purpose of the meeting, the general nature of the development proposal, and the proposed type of development approval or permit being considered.

##### (3) County Staff Attendance

Staff from the Building and Zoning Office or other County departments may, but are not required to, attend the meeting. The role of County staff in the meeting shall be limited to responding to questions regarding the standards and requirements of this Ordinance, or the Subdivision Regulations.

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<sup>22</sup> This is a new section that establishes a procedure for neighborhood meetings. (see Section 1.6.2(c) of the Code Assessment). Neighborhood meetings are required to be conducted before the submission of applications for a Zoning Map Amendment or a Planned Development District. They are optional for any other type of application.

<sup>23</sup> This provision ensures meetings are held at a time (after 5pm on a weekday) and place close to the location of the application, so it should be convenient for affected persons and neighbors to attend.

**(4) Conduct of Meeting**

The meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns attendees raise about the proposed application, and discuss ways to resolve any conflicts or concerns.

**(5) Written Summary of Meeting**

After the conclusion of the meeting, the applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of issues related to the development proposal that were discussed, a compilation of attendee comments and responses by the applicant, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials. The Director shall retain a copy of the meeting summary, which shall be available for examination by the public in the Building and Zoning Office during normal business hours.

**(6) Response to Summary<sup>24</sup>**

Any person attending the pre-application neighborhood meeting may submit to the Director a written response to the applicant's meeting summary after the application is determined complete (see Sec. 2.4.5, Application Completeness Determination). All written responses to the applicant's summary of the pre-application neighborhood meeting shall be included with the application materials. The Director shall retain a copy of the meeting summary which shall be available for examination by the public in the Building and Zoning Office during normal business hours.

**2.4.4. Application Submission<sup>25</sup>**

**(A) Application Submitted to Planning Department or Building Department**

All applications shall be submitted to the Director.

**(B) Authority to Submit Applications**

All applications for development approvals and permits shall be submitted by the owner(s) of the land upon which the development is proposed, or their authorized agent.

**(C) Required Contents and Form<sup>26</sup>**

The application contents and form shall be in accordance with requirements established by the Director for the specific type of application, and placed in the Procedures Manual.

**(D) Required Fees<sup>27</sup>**

Required application fees shall be those established for the specific application by the County Commission.

**(E) Schedule<sup>28</sup>**

The schedule for application submission and review, including time frames for review, shall be established for the specific application type by the Director.

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<sup>24</sup> This provision ensures that anyone attending the neighborhood meeting has an opportunity to respond in writing to the written summary of the meeting provided by the applicant. Both the written summary submitted by the applicant and any written responses by attendees become part of the record on the application.

<sup>25</sup> This section consolidates and standardizes application submission procedures.

<sup>26</sup> By allowing the Director to specify application content, the application forms can be modified without need to formally amend the Ordinance.

<sup>27</sup> This clarifies that fees are exclusively authorized by the County Commission.

<sup>28</sup> This provision authorizes the Director to establish the timing for the review schedule for the application. The schedule may be included in the Procedures Manual.

**(F) Simultaneous Processing of Applications**

Whenever two or more forms of review and approval are required under this Ordinance, the applications for those development approvals or permits may, at the discretion of the Director, be processed simultaneously, so long as all applicable County and state requirements are satisfied. Simultaneous processing of applications may result in additional fees to the applicant. Additionally, revisions to one application may necessitate corresponding revisions to related applications that are reviewed simultaneously.

**(G) Maintenance of Application**

The Director shall maintain in the Building and Zoning Office complete applications received and all associated materials submitted, including those subsequently submitted by the applicant.

**(H) Examination and Copying of Application and Associated Materials<sup>29</sup>**

At any time, upon reasonable request and during normal business hours, any person may examine a development application, a finalized staff report, and materials submitted in support of or in opposition to an application, as applicable, in the Building and Zoning office during normal business hours, in accordance with the Tennessee Open Records Act.

**(I) Amendment or of Withdrawal of Application<sup>30</sup>**

**(1) General**

An applicant may submit a revised application to the Director after receiving initial staff review comments on the application or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by the Director or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections, and do not include significant substantive changes to the plan for development proposed in the application.

**(2) Application Amendment**

Any other revisions to the application may be submitted at any time during the review procedure, but the revised application shall be submitted and reviewed as if it were a new application and may be subject to additional application fees to defray the additional costs of processing the revised application.

**(J) Application Withdrawal<sup>31</sup>**

- (1)** An applicant may withdraw an application at any time by submitting a letter of withdrawal to the Director.
- (2)** Applications withdrawn after required notice of any public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications in accordance with Sec. 2.4.10(E), Limit on Subsequent Applications.
- (3)** If an application is withdrawn by the applicant, no further review of the application shall take place unless or until a new application (including new application fees) is submitted and determined to be complete. Application fees shall not be refunded for withdrawn applications.

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<sup>29</sup> This provision codifies a rule that states where development applications are kept, and that they may be reviewed during normal business hours.

<sup>30</sup> This new section establishes rules for amendment and withdrawal of applications. It generally codifies the current practice.

<sup>31</sup> This new section codifies a rule for how a development application may be withdrawn.

### 2.4.5. Application Completeness Determination<sup>32</sup>

#### (A) General

Upon receipt of an application, the Director shall determine if the application is complete. A complete application is one that:

- (1) Contains all application materials required for the particular type of application.
- (2) Is in the form required for the particular type of application.
- (3) Includes information in sufficient detail to allow an evaluation of the application to determine whether it complies with the appropriate review standards of this Ordinance.
- (4) Is accompanied by the fee established for the particular type of application.

#### (B) Application Incomplete

If the Director determines that the application is incomplete, notice shall be sent to the applicant of the application's deficiencies electronically or by mail within 10 business days of receipt of the application,<sup>33</sup> and review of the application shall not proceed. The applicant may correct the deficiencies and resubmit the application for completeness determination.

#### (C) Application Complete

If the application is determined to be complete, it shall be reviewed in accordance with the applicable procedures and standards in this Ordinance. Any established time frame for review of the application shall start on the date the application is determined to be complete.

### 2.4.6. Staff Review and Action<sup>34</sup>

If review or a decision on an application by the Director is required in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the review and/or decision shall be in accordance with this section.

#### (A) Review and Opportunity to Revise Application

- (1) When an application is determined to be complete, the Director shall distribute the application to all appropriate County staff, departments, and other review agencies for review and comment.
- (2) The Director shall review the application, any relevant support material, and any comments or recommendations from the appropriate staff, departments, and other review agencies. If deficiencies in complying with the applicable standards of this Ordinance are identified, the Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to revise the application to address them.

#### (B) Application Subject to Review by Director

If an application is subject to review by the Director in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the Director, following completion of the review, shall prepare a written staff report either with or without a recommendation, in accordance with Section 2.2, Summary Table of Development Review Responsibilities. The staff report shall address the application's compliance with applicable review standards and, if directed by Section 2.2, Summary Table of Development Review Responsibilities, recommend action on the application, including any recommended conditions of approval. Such a report is not required if the Director makes the final decision on the application. The Director shall transmit the application and staff report, if applicable, to the appropriate advisory or decision-making body in accordance with Section 2.2, Summary Table of Development Review Responsibilities,

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<sup>32</sup> This new section adds a standard formal step of review to ensure an application is complete. This prevents wasted time and effort of both the applicant and staff and ensures compliance with substantive regulations can be reviewed.

<sup>33</sup> The 10-day requirement for the County to notify an applicant that an application is incomplete is new.

<sup>34</sup> This new section standardizes staff (Director) review procedures. It includes a provision that allows an applicant to make corrections/revisions to an application in response to staff or review board comments.

provide the applicant a copy of the staff report, and make a copy of the staff report available for examination by the public during normal hours of operation.

**(C) Application Subject to Decision by Director**

If an application is subject to a final decision by the Director in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the Director shall, after reviewing the application, make a decision authorized for the particular type of application, based on the decision standards applicable for the application type, as set forth in Section 2.2, Summary Table of Development Review Responsibilities.

**2.4.7. Scheduling of Public Hearing and Public Notification<sup>35</sup>**

If a public hearing is required in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the public hearing shall be scheduled and public notification of the hearing provided in accordance with state law.

**2.4.8. Planning Commission Review and Recommendation<sup>36</sup>**

If an application requires review by the Planning Commission in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the Planning Commission shall review and make a recommendation on the application in accordance with the following requirements:

- (A)** If required in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the Planning Commission shall conduct a public hearing on the application. If a public hearing is not required, the Planning Commission shall conduct a public meeting on the application. At the public hearing or public meeting, as appropriate, the Planning Commission shall consider the application, relevant support materials, the staff report, and any comments received during the hearing or meeting. Following the hearing or meeting, as appropriate, the Planning Commission shall recommend one of the decisions authorized for the particular type of application, based on the decision standards applicable to the application type, as set forth in Section 2.5, Application Specific Review Procedures and Decision Standards.
- (B)** The Planning Commission's recommendation shall state the basis or rationale for the recommended decision.
- (C)** If permitted for the particular type of application in accordance with Section 2.5, Application Specific Review Procedures and Decision Standards, the Planning Commission may recommend conditions of approval. Recommended conditions of approval must relate in both type and extent to the anticipated impacts of the proposed development.

**2.4.9. Decision-Making Body Review and Decision<sup>37</sup>**

If an application is subject to a final decision by the County Commission, the Planning Commission, or the BZA (collectively, "decision-making bodies"), in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the applicable decision-making body shall review and make a final decision on the application in accordance with the following requirements:

- (A)** If required in accordance with Section 2.2, Summary Table of Development Review Responsibilities, the decision-making body shall conduct a public hearing on the application. If a public hearing is not required, the decision-making body shall conduct a public meeting on the application. At the public hearing or public meeting, as appropriate, the decision-making body shall consider the application, relevant support materials, staff or advisory body reports, and any comments received during the hearing. Following the hearing or meeting, the decision-making body shall make one of the decisions authorized for the

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<sup>35</sup> This new section requires public notification of a public hearing to comply with state law (when state law requires such notification).

<sup>36</sup> This new section establishes a standard procedure for the Planning Commission's review of development applications, either in an advisory or decision-making role.

<sup>37</sup> This new section establishes a procedure for decision-making bodies review of an application (the Planning Commission, the BZA, and the County Commission).



particular type of application, based on the decision standards applicable to the application type, as set forth in Section 2.5, Application Specific Review Procedures and Decision Standards. The decision shall state the basis or rationale for the decision.

- (B) The decision-making body shall take action as promptly as reasonably possible in consideration of the interests of the applicant, affected parties, and citizens of the County.
- (C) Before making its decision, the decision-making body may remand the application to the Planning Commission, the Director, or staff, as applicable, for further consideration of any issue.
- (D) If permitted for the particular type of application in accordance with Section 2.5, Application Specific Review Procedures and Decision Standards, the decision-making body may approve the application subject to conditions. The conditions must relate in both type and extent to the anticipated impacts of the proposed development.

#### 2.4.10. Post Decision Actions and Limitations

##### (A) Notification to Applicant of Decision<sup>38</sup>

Within 10 days after a final decision on a development application, or within another period of time as required by state law, the Director shall notify the applicant and the owner(s) of the property that is the subject of the decision (if different from the applicant) about the decision.<sup>39</sup> The notification shall be in writing and shall comply with applicable state law. The Director shall also make a copy of the decision available to the public at the Building and Zoning office during normal business hours.

##### (B) Effect of Approval<sup>40</sup>

Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan of development, or other specific activity approved, and not any other development requiring separate application and approval. If one development approval or permit is a prerequisite to another development approval or permit (e.g., variance approval prior to a major site plan approval), development may not take place until all required development approvals or permits are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

##### (C) Lapse in Approval<sup>41</sup>

- (1) Development approvals and permits shall expire as provided in Section 2.5, Application Specific Review Procedures and Decision Standards, for each type of development approval or permit. If no expiration period is provided for the specific type of development approval or permit, and if no expiration period is imposed as a part of its approval, the development approval or permit shall expire if a building permit for the approved development is not obtained within two years of the date of approval.
- (2) A change in ownership of the land that is the subject of a development approval or permit shall not affect the established expiration time period for the development approval or permit.

<sup>38</sup> This new section establishes a general requirement for notification of the decision to the applicant.

<sup>39</sup> The 10-day requirement for the County to notify an applicant of a decision on an application is new.

<sup>40</sup> This new section clarifies that development may not take place until all required development approvals or permits are obtained, and that approval of one development application does not necessarily guarantee approval of any subsequent development application.

<sup>41</sup> This section is new. It establishes and standardizes rules governing when a development approval or permit would expire—the expiration can be established in the approval, and if it is not, it expires within two years of the date of approval if a building permit for the project is not approved. We recommend including such a time limit, as it eliminates the risk of “zombie” approvals that remain valid even after the County’s development regulations may have changed.



**(D) Amendment of Development Approval or Permit<sup>42</sup>**

Unless otherwise specified in the procedure for the particular type of development application in Section 2.5, Application Specific Review Procedures and Decision Standards, an amendment of a development approval or permit may only be reviewed in accordance with the procedures and standards established for its original approval.

**(E) Limit on Subsequent Applications<sup>43</sup>**

**(1) Prior Application Denied**

- (a)** If a development application requiring a public hearing is denied, an application proposing the same development or zoning designation on all or part of the same land shall not be submitted within 18 months after the date of decision denying the application unless the decision-making body waives this time limit in accordance with subsection (b) below. Only one request for a waiver of this time limit may be submitted during the one-year period.
- (b)** The owner of land that is the subject of an application that was denied, or the owner's authorized agent, may submit a written request for a waiver of the time limit established in subsection (a) above, along with a fee to defray the cost of processing the request, to the Director, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by at least two-thirds of its membership of one or more of the following:
  - 1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the application of relevant review standards;
  - 2. New or additional information is available that was not available at the time of review that might reasonably affect the application of relevant review standards;
  - 3. The new application proposed to be submitted is not substantially the same as the prior application; or
  - 4. The final decision on the application was based on a material mistake of fact.

**(2) Prior Application Withdrawn**

If an application requiring a public hearing is withdrawn after required notice of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted within six months after the date of withdrawal. Any such application shall be considered a new application.

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<sup>42</sup> This section is new. It establishes a rule that amendments to development approvals or permits must be approved using the same procedure as the original approval unless the procedures for the specific application allow otherwise.

<sup>43</sup> This section is new. It establishes minimum time periods following the denial or withdrawal of an application during which applications proposing the same development or zoning classification cannot be submitted. It incorporates the 18-month waiting period currently used, according to staff. Such limitations support the integrity of the development review process by providing a degree of finality. As a safety valve, the section also includes a provision that allows earlier review of a similar application under limited circumstances (like when it can be demonstrated there is a substantial change in circumstances or there was a material mistake of fact made in the review of the application).

## Section 2.5 Application Specific Review Procedures and Decision Standards

### 2.5.1. Zoning Ordinance Text Amendment<sup>44</sup>

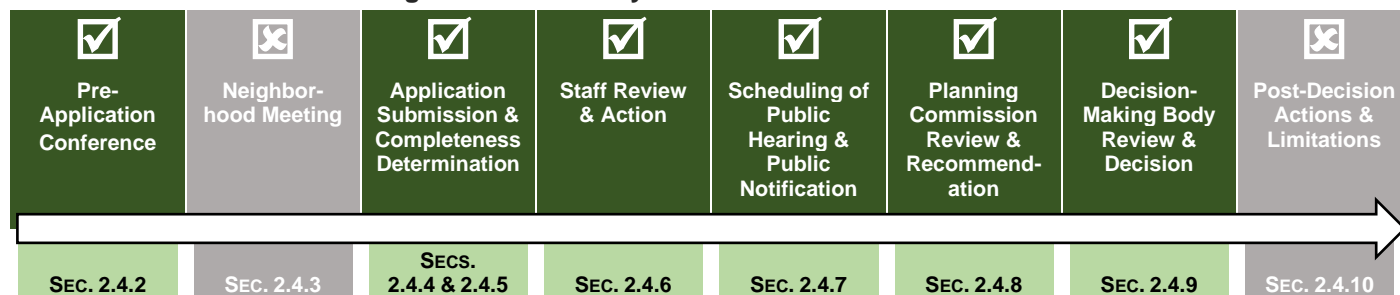
**(A) Applicability**

Approval of a zoning ordinance text amendment in accordance with this section is required to amend the text of this Ordinance.

**(B) Procedure for Text Amendment**

An application for a zoning ordinance text amendment shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-2: Summary of Text Amendment Procedure, identifies the standard procedures in Section 2.4 that apply to text amendment applications and those that do not apply. Subsections (1) through (6) below, set out the required procedure for zoning ordinance text amendment applications, including any modifications to the standard procedures in Section 2.4.

Figure 2-2: Summary of Text Amendment Procedure



= Applicable; =Not Applicable; =Optional

**(1) Pre-Application Conference**

A pre-application conference is required in accordance with Sec. 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

- (a) Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission, except that zoning ordinance text amendments may be initiated by the County Commission, the Planning Commission, the Director, an owner of land in the unincorporated County, or a person with a financial or other interest in land in the unincorporated County.
- (b) The Director shall make a determination as whether the application is complete in accordance with 2.4.5, Application Completeness Determination.

**(3) Staff Review and Action**

The Director shall review the application and prepare a staff report that includes a recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(4) Scheduling of Public Hearing and Public Notification**

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification

<sup>44</sup> This section builds on the procedure for amending the text of the ordinance in Sec. 8.090 of the current Zoning Resolution. It formats the section consistent with the format in this Zoning Ordinance. There are no changes in who reviews the application.

**(5) Planning Commission Review and Recommendation**

The Planning Commission shall conduct at least one public meeting on the application and make a recommendation on the application in accordance with Sec. 2.4.8, Planning Commission Review and Recommendation, and Sec. 2.5.1(C), Decision-Making Standards for Text Amendment.

**(6) Decision-Making Body Review and Decision**

The County Commission shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.1(C), Decision-Making Standards for Text Amendment. The County Commission's decision shall be one of the following:

- (a) Adopt the zoning ordinance text amendment as proposed;
- (b) Deny the zoning ordinance text amendment; or
- (c) Remand the zoning ordinance text amendment application to the Planning Commission for further consideration.

**(C) Decision-Making Standards for Text Amendment<sup>45</sup>**

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the County Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed zoning ordinance text amendment, the County Commission may consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

- (1) Is in accordance with the goals and policies of all applicable and adopted plans;
- (2) Is required by changed conditions;
- (3) Addresses a demonstrated community need;
- (4) Is consistent with the purpose and intent of the zone districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the unincorporated County;
- (5) Is consistent with other related federal, state, and local laws and regulations;
- (6) Would result in a logical and orderly development pattern; and
- (7) Would result in stronger protections of the natural environment, wildlife, vegetation, and wetlands.

**2.5.2. Zoning Map Amendment<sup>46</sup>****(A) Applicability**

Approval of a Zoning Map amendment in accordance with this section is required to amend the Official Zoning Map, except where the amendment is sought as part of a planned development (see Sec. 2.5.3, Planned Development District Map Amendment).

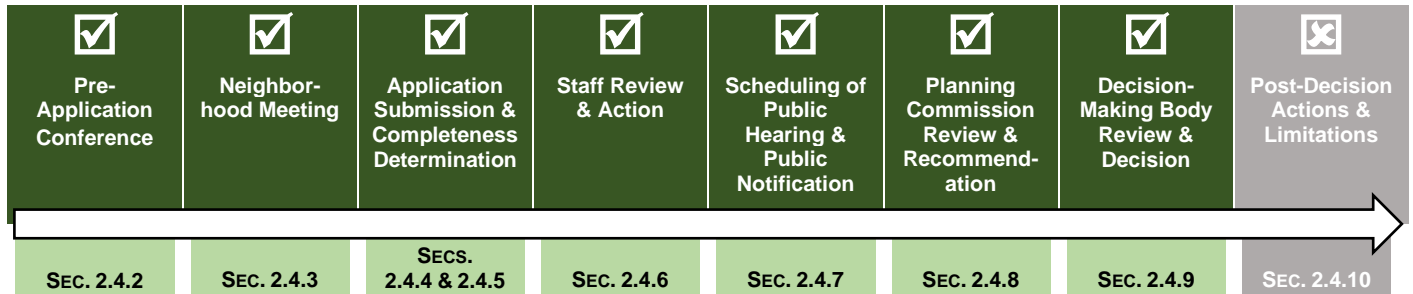
**(B) Procedure for Zoning Map Amendment**

An application for a Zoning Map amendment shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-3: Summary of Zoning Map Amendment Procedure identifies the standard procedures in Section 2.4 that apply to Zoning Map amendment applications and those that do not apply. Subsections (1) through (6) below set out the required procedure for Zoning Map amendment applications, including any modifications to the standard procedures in Section 2.4.

<sup>45</sup>These standards are new. The Zoning Resolution gives the County Commission broad discretion regarding text amendments. These standards provide a framework for those decisions and connect it to the policy direction in adopted plans.

<sup>46</sup> This section builds on the procedure for amending the Official Zoning Map in Sec. 8.092 of the current Zoning Resolution. It formats the section consistent with the format proposed for the updated Zoning Ordinance. There are no changes in who reviews the application.

Figure 2-3: Summary of Zoning Map Amendment Procedure



= Applicable; =Not Applicable; =Optional

**(1) Pre-Application Conference**

A pre-application conference is required in accordance with Sec. 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

- (a) Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission, except that Zoning Map amendments may be initiated by the County Commission, the Planning Commission, or the owner(s) of the land upon which the zoning map amendment is proposed, or their authorized agent.
- (b) The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(3) Staff Review and Action**

The Director shall review the application and prepare a staff report and recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(4) Scheduling of Public Hearing and Public Notification**

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(5) Advisory Body Review and Recommendation**

The Planning Commission shall conduct at least one public meeting on the application and make a recommendation on the application in accordance with Sec. 2.4.8, Planning Commission Review and Recommendation, and Sec. 2.5.2(C), Decision-Making Standards for Zoning Map Amendment.

**(6) Decision-Making Body Review and Decision**

The County Commission shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.2(C), Decision-Making Standards for Zoning Map Amendment. The County Commission’s decision shall be one of the following:

- (a) Adopt the zoning map amendment as proposed;
- (b) Adopt a revised zoning map amendment;
- (c) Deny the zoning map amendment; or
- (d) Remand the zoning map amendment application to the Planning Commission for further consideration.

**(C) Decision-Making Standards for Zoning Map Amendment<sup>47</sup>**

The advisability of a Zoning Map amendment is a matter committed to the legislative discretion of the County Commission and is not controlled by any one factor. In determining whether to adopt or deny a proposed Zoning Map amendment, the County Commission may consider many factors, including but not limited to whether, and the extent to which, the proposed amendment:

- (1) Is in accordance with the goals and policies of all applicable and adopted plans;
- (2) Would allow a range of uses that are compatible with the uses allowed on other property in the vicinity;
- (3) Would avoid creating an inappropriately isolated district unrelated to adjacent and surrounding districts;
- (4) Would result in a logical and orderly development pattern;
- (5) Would allow the subject property to be put to an economically viable use;
- (6) Would result in development that can be served by available, adequate, and suitable public facilities (e.g., streets, potable water, sewerage, stormwater management);
- (7) Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
- (8) Is appropriate due to any changed or changing conditions in the affected area.

**2.5.3. Planned Development District Map Amendment<sup>48</sup>****(A) Purpose**

Planned developments are developments that are planned and developed under unified control. They allow more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increased preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zone district regulations. The purpose of this section is to provide a uniform mechanism for amending the Official Zoning Map to establish the planned development districts set forth in this Ordinance.

**(B) Applicability**

Approval of a planned development district in accordance with this section is required to amend the Official Zoning Map to establish a planned development district.

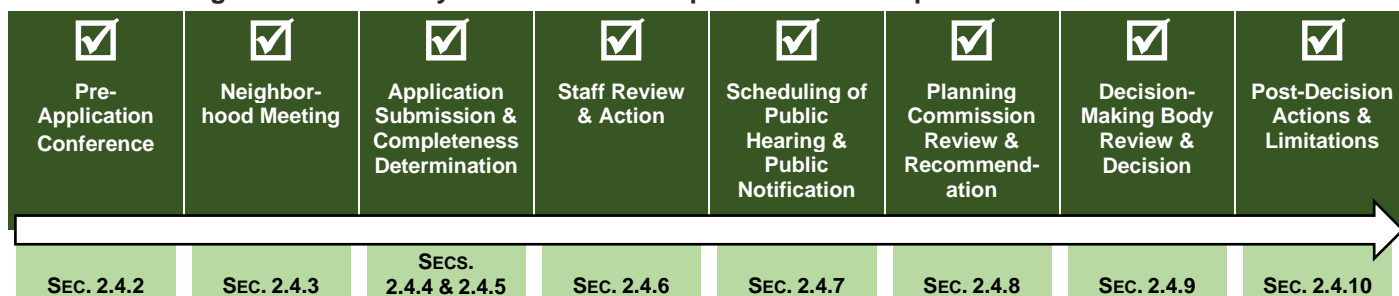
**(C) Procedure for Planned Development District Map Amendment**

An application for a planned development district shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, modified in this section. Figure 2-4: Summary of Planned Development District Map Amendment Procedure, identifies the standard procedures in Section 2.4 that apply to planned development district applications and those that do not apply. Subsections (1) through (8) below, set out the required procedure for planned development district applications, including any modifications to the standard procedures in Section 2.4.

<sup>47</sup> These standards are new. The Zoning Resolution gives the County Commission broad discretion regarding zoning map amendments. These standards provide a framework for those decisions and connect it to any adopted plans.

<sup>48</sup> As is discussed in the Code Assessment (see Sec. 1.6.3(a), Modernize Planned Development Procedure), this section modernizes and simplifies the current planned development procedure, consistent with the recommendations in the Assessment. The section is also formatted consistent with the other procedures in the updated Zoning Ordinance. There are no changes in who reviews the application. The standards for specific planned development districts are located in Section 3.4, Planned Development Districts.

Figure 2-4: Summary of Planned Development District Map Amendment Procedure



= Applicable; =Not Applicable; =Optional

**(1) Pre-Application Conference**

A pre-application conference is required in accordance with Sec. 2.4.2, Pre-Application Conference.

**(2) Neighborhood Meeting**

A neighborhood meeting is required in accordance with Sec. 2.4.3, Neighborhood Meeting.

**(3) Application Submission and Completeness Determination**

**(a)** Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission.

**(b)** A complete application shall include a proposed Planned Development Plan (PD Plan) and a proposed Planned Development Agreement (PD Agreement) addressing all requirements and standards set forth in Section 3.4, Planned Development Districts. The Director shall make a determination as to whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(4) Staff Review and Action**

The Director shall review the application and prepare a staff report with a recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(5) Scheduling of Public Hearing and Public Notification**

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(6) Advisory Body Review and Recommendation**

The Planning Commission shall conduct at least one public meeting on the application and make a recommendation on the application in accordance with Sec. 2.4.8, Planning Commission Review and Recommendation, and Sec. 2.5.3(D), Decision-Making Standards for Planned Development Map Amendment.

**(7) Decision-Making Body Review and Decision**

The County Commission shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.3(D), Decision-Making Standards for Planned Development Map Amendment. The County Commission’s decision shall be one of the following:

- (a)** Adopt the planned development district subject to the PD Plan and PD Agreement included in the application;
- (b)** Deny the planned development district; or
- (c)** Remand the planned development district application to the Planning Commission for further consideration.



**(8) Post-Decision Actions and Limitations****(a) Effect of Approval**

An approved planned development district shall include a PD Plan and PD Agreement, all of which shall comprise the zone district regulations for the district. Any subsequent development approval or permit shall comply with the approved PD District and its PD Plan and PD Agreement.

**(b) Amendments**

An approved PD Plan or PD Agreement may be amended only in accordance with the procedure and standards used for its original approval.

**(c) Minor Deviations<sup>49</sup>**

Subsequent applications for development approvals and permits within a planned development district that include minor deviations from the approved PD Plan or PD Agreement that do not materially affect the planned development district's basic concept may be reviewed and decided upon, without the need to amend the planned development district, if the Director determines that such deviations consist of only the following:

1. Changes that result in a decrease in the density or intensity of development approved for a specific lot;
2. A change in a land use designation from multifamily to single-family or a change from any use to open space/passive recreation;
3. A modification of design of facilities for amenities such as parks, gardens, or open spaces; or
4. A deviation specifically listed in the approved PD Agreement as a minor deviation not materially affecting the planned development district's basic concept or the designated general use of lots within the district.

**(D) Decision-Making Standards for Planned Development Map Amendment<sup>50</sup>**

The advisability of adopting a planned development district is a matter committed to the legislative discretion of the County Commission. In determining whether to adopt or deny a planned development district, the County Commission shall consider the decision-making standards in Sec. 2.5.2(C). The County Commission shall not adopt a proposed planned development district unless it finds that the district complies with the standards for the proposed type of planned development district in Section 3.4, Planned Development Districts.

**2.5.4. Special Exception Permit<sup>51</sup>****(A) Purpose**

The purpose of this section is to establish a uniform mechanism to ensure that special exception uses are appropriate for the location and district where they are proposed. A use is designated as a special exception use in a zone district where the use may or may not be appropriate, because of its unique characteristics and potential impacts on the surrounding neighborhood. Special individual consideration of the proposed location, design, and methods of operation, in accordance with the procedure and standards in this section, is required before the use can be deemed appropriate in the district and compatible with its surroundings.

<sup>49</sup> These allowed minor deviations are put forward as an initial suggestion for discussion purposes.

<sup>50</sup> These review standards refer to the rezoning review standards and to the standards that apply to the particular planned development district proposed (in Article Section 3.4, Planned Development Districts.)

<sup>51</sup> This section builds on the Special Exception Permit procedure in Sec. 8.081 of the current Zoning Resolution. It formats the section consistent with the format proposed for the updated Zoning Ordinance. There are no changes in who reviews the application.



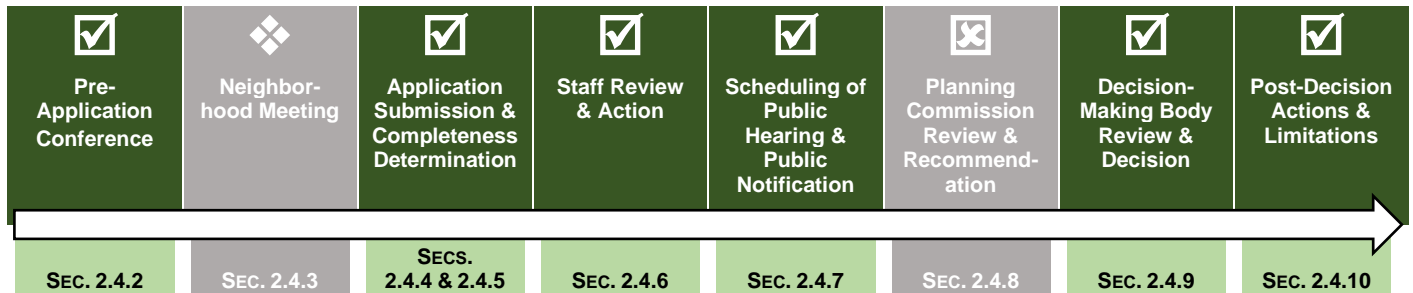
**(B) Applicability**

Approval of a special exception permit in accordance with the procedure and standards in this section is required prior to the establishment of any use designated as a special exception use in Article 4: Use Regulations.

**(C) Procedure for Special Exception Permit**

An application for special exception permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-5: Summary of Special Exception Permit Procedure, identifies the standard procedures in Section 2.4 that apply to special exception permit applications and those that do not apply. Subsections (1) through (6) below set out the required procedure for special exception permit applications, including any modifications to the standard procedures in Section 2.4.

**Figure 2-5: Summary of Special Exception Permit Procedure**



= Applicable; =Not Applicable; =Optional

**(1) Pre-Application Conference**

A pre-application conference is required in accordance with Sec. 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(3) Staff Review and Action**

The Director shall review the application in accordance with Sec. 2.4.6, Staff Review and Action.

**(4) Scheduling of Public Hearing and Public Notification**

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(5) Decision-Making Body Review and Decision**

The BZA shall conduct a public hearing on the application and make a decision in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.4(D), Decision-Making Standards for Special Exception Permit. The BZA’s decision shall be one of the following:

- (a) Approve the special exception permit as proposed;
- (b) Approve the special exception permit, subject to conditions of approval or;
- (c) Deny the special exception permit.

**(6) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations. Unless it expires, a special exception permit, including

any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

**(D) Decision-Making Standards for Special Exception Permit<sup>52</sup>**

The BZA shall not approve a special exception permit application unless the Board finds the proposed special exception use:

- (1) Complies with all applicable district-specific standards in Article 3: Zone Districts.
- (2) Complies with all applicable use-specific standards in Article 4: Use Regulations.
- (3) Complies with all applicable standards in Article 5: Development Standards.
- (4) Complies with all relevant subdivision standards in the Subdivision Regulations;
- (5) Will not have a substantial adverse impact on vehicular traffic or vehicular and pedestrian safety;
- (6) Is compatible with the character of surrounding development and the neighborhood;
- (7) Will not have a substantial adverse impact on adjoining properties in terms of noise, lights, glare, vibrations, fumes, odors, litter, or obstruction of air or light;
- (8) Will be adequately served by, and not impose an undue burden on, infrastructure, public services, or public facilities;
- (9) Will not have a substantial adverse impact on the aesthetic character of the area where it is proposed to be located; and
- (10) Will not have a substantial adverse impact on public safety or create nuisance conditions detrimental to the public.

**2.5.5. Site Plan (Minor or Major)<sup>53</sup>**

**(A) Purpose**

Site plan review is intended to ensure that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Ordinance and all other applicable County and state regulations.

**(B) Applicability**

- (1) Unless exempted by subsection (2) below, all development shall receive site plan approval in accordance with this section prior to the issuance of a building permit or a certificate of occupancy, whichever occurs first.
- (2) Development of a single-family detached dwelling on an individual lot is exempt from the requirements of this section.

**(C) Major and Minor Site Plans Distinguished**

There are two types of site plan review under this Ordinance: major site plan review and minor site plan review. Phases of a phased project shall be considered cumulatively over a five-year period in determining whether major or minor site plan review is required.

**(1) Minor Site Plan**

Minor site plans are reviewed and decided by the Director in accordance with Sec. 2.5.5(D), Procedure for Minor Site Plan. The following development shall require minor site plan approval:

<sup>52</sup> These update the current decision-making standards for a special exception permit in Sec. 8.082 of the Zoning Resolution to make them more straightforward and easier for the BZA to apply.

<sup>53</sup> As discussed in the Code Assessment, this is a new section that establishes a two-tier site plan review procedure (see Code Assessment, Sec. 1.6.3(b), Establish a Separate Procedure for Site Plan Review). Minor site plan applications are reviewed and decided by the Director. Major site plan applications are reviewed and decided by the Planning Commission. As a starting point for discussion, minor site plans are (1) residential dwellings of fewer than ten dwelling units, and (2) nonresidential development of less than 10,000 square feet of gross floor area. Proposed development larger than these thresholds is reviewed as a major site plan.

- (a) Residential dwellings of fewer than ten dwelling units; and
- (b) Nonresidential development of less than 10,000 square feet of gross floor area.

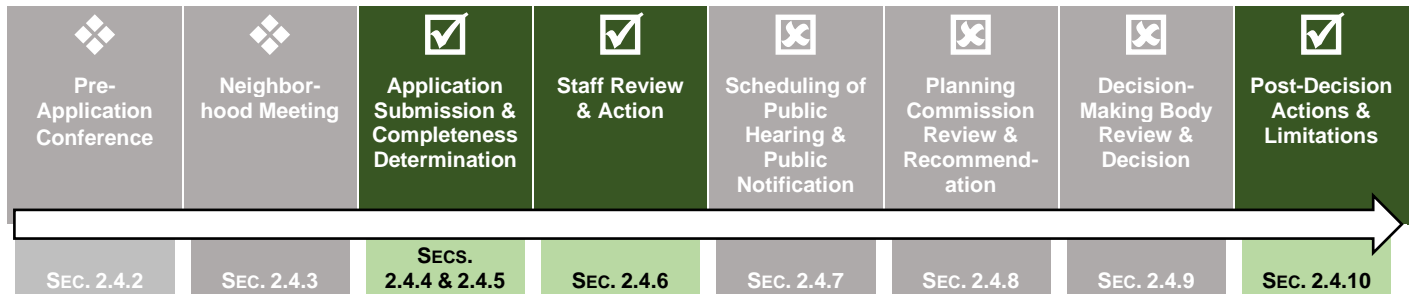
**(2) Major Site Plan**

Major site plans are reviewed and decided by the Planning Commission in accordance with Sec. 2.5.5(E), Procedure for Major Site Plan. All development that is not exempted and does not receive minor site plan review in accordance with Sec. 2.5.5(C)(1), Minor Site Plan, shall require major site plan approval.

**(D) Procedure for Minor Site Plan**

An application for a minor site plan shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-6: Summary of Minor Site Plan Procedure, identifies the standard procedures in Section 2.4 that apply to minor site plan applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for minor site plan applications, including any modifications to the standard procedures in Section 2.4.

**Figure 2-6: Summary of Minor Site Plan Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision on the application in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.5(F), Decision-Making Standards for Site Plan (Minor or Major).

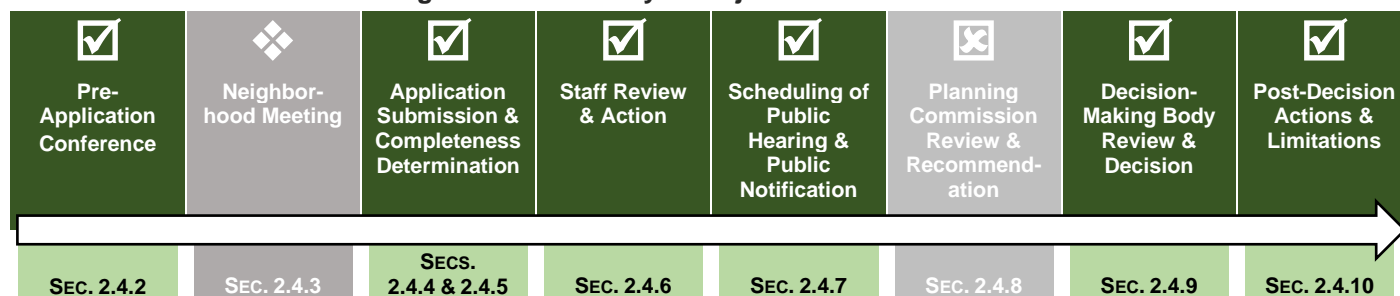
**(3) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations. If a building permit or certificate of occupancy, as appropriate, is not approved for a portion of the minor site plan within two years of the date of approval of the minor site plan, it shall automatically expire.

**(E) Procedure for Major Site Plan**

An application for a major site plan shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-7: Summary of Major Site Plan Procedure, identifies the standard procedures in Section 2.4, that apply to major site plan applications and those that do not apply. Subsections (1) through (6) below set out the required procedure for major site plan applications, including any modifications to the standard procedures in Section 2.4.

Figure 2-7: Summary of Major Site Plan Procedure



= Applicable; =Not Applicable; =Optional

**(1) Pre-Application Conference**

A pre-application conference is required in accordance with Sec. 2.4.2, Pre-Application Conference.

**(2) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as to whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(3) Staff Review and Action**

The Director shall review the application and prepare a staff report that includes a recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(4) Scheduling of Public Hearing and Public Notification**

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(5) Decision-Making Body Review and Decision**

The Planning Commission shall conduct a public hearing on the application and make a decision in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.5(F), Decision-Making Standards for Site Plan (Minor or Major). The Planning Commission’s decision shall be one of the following:

- (a) Approve the major site plan application as proposed;
- (b) Approve a major site plan, subject to conditions of approval; or
- (c) Deny the major site plan application.

**(6) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations. If a building permit or certificate of occupancy, as appropriate, is not approved for a portion of the major site plan within two years of the date of approval of the major site plan, it shall automatically expire.

**(F) Decision-Making Standards for Site Plan (Minor or Major)<sup>54</sup>**

A site plan (minor or major) shall be approved only on finding the applicant demonstrates all the following standards are met:

- (1) The uses proposed in the site plan are allowed in accordance with Article 4: Use Regulations;
- (2) The development proposed in the site plan and its general layout and design comply with all applicable standards in Article 5: Development Standards;

<sup>54</sup> The decision standards for site plans ensure the proposed development complies with all relevant standards in the updated Zoning Ordinance.

- (3) The development proposed in the site plan and its general layout and design comply with all applicable standards in the Subdivision Regulations;
- (4) The development proposed in the site plan and its general layout and design comply with any terms and conditions of approval to which the property is subject; and
- (5) The development proposed in the site plan is consistent with all other applicable standards of this Ordinance.

**2.5.6. Zoning Compliance Certificate<sup>55</sup>**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for certifying a development is compliant with this Ordinance.

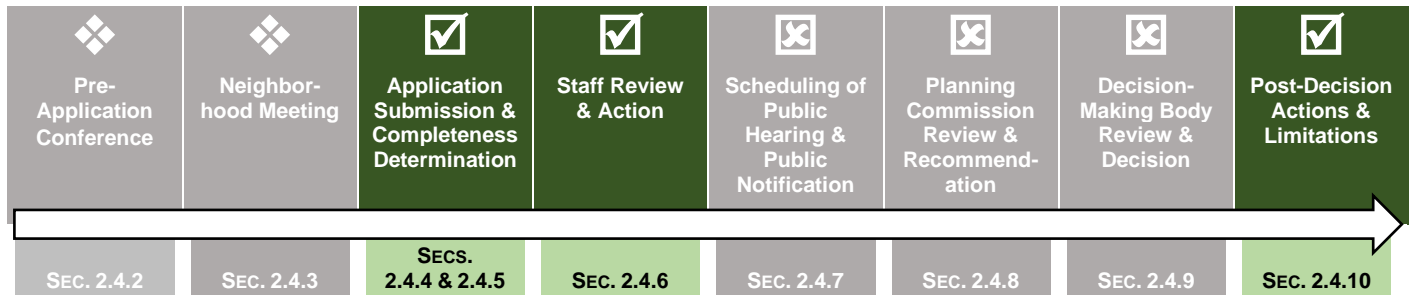
**(B) Applicability**

- (1) No building or structure shall be erected, altered, or relocated, and no use of a property or change in use of a property shall be established without an approved zoning compliance certificate.
- (2) A zoning compliance certificate is required:
  - (a) Prior to commencement of all development or construction; or
  - (b) Prior to commencement of a change in use of a property or structure.

**(C) Procedure for Zoning Compliance Certificate**

An application for a zoning compliance certificate shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-8: Summary of Zoning Compliance Certificate Procedure, identifies the standard procedures in Section 2.4, that apply to zoning compliance certificate applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for zoning compliance certificate, including any modifications to the standard procedures in Section 2.4.

**Figure 2-8: Summary of Zoning Compliance Certificate Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

<sup>55</sup> This section builds on the Zoning Certificate procedure in Sec. 8.012 of the Zoning Resolution. It formats the section consistent with the format in the updated Zoning Ordinance. There are no changes in who reviews the application.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.6(D), Decision-Making Standards for Zoning Compliance Certificates. The Director’s decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval;
- (c) Deny the application.

**(3) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for Zoning Compliance Certificates**

The Director shall approve a zoning compliance certificate only on finding the plans, specifications, and intended use comply with all standards and requirements in this Ordinance and the Subdivision Regulations.

**2.5.7. Sign Permit<sup>56</sup>**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring that the erection and maintenance of signs complies with Section 5.12, Sign Standards.

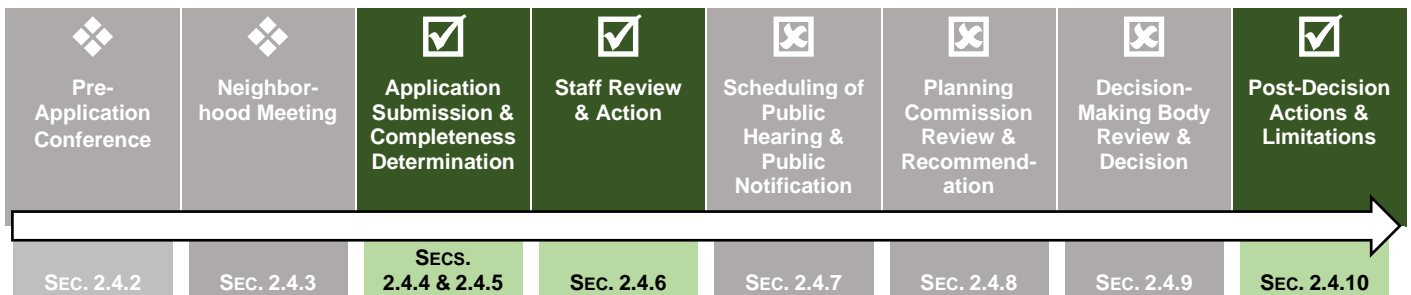
**(B) Applicability**

A sign permit is required prior to the location, construction, erection, posting, attachment, alteration, or repair of a sign, unless such activity is exempted in accordance with Section 5.12, Sign Standards.

**(C) Procedure for Sign Permits**

An application for a sign permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-9: Summary of Sign Permit Procedure, identifies the standard procedures in Section 2.4 that apply to sign permit applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for sign permits, including any modifications to the standard procedures in Section 2.4.

**Figure 2-9: Summary of Sign Permit Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

<sup>56</sup> This section builds on the Sign Permit procedure in Sec. 4.090(l) of the current Zoning Resolution. It formats the section consistent with the format proposed for the updated Zoning Ordinance. There are no changes in who reviews the application.



**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.7(D), Decision-Making Standards for Sign Permits. The Director’s decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

**(3) Post Decision Actions and Limitations**

- (a) Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.
- (b) The sign permit shall automatically expire six months after the date it is issued if a building permit for the approved activity has not been obtained or if the activity approved in the sign permit has not commenced.

**(D) Decision-Making Standards for Sign Permits**

The Director shall approve a sign permit only on finding the proposed activity complies with all applicable standards in Section 5.12, Sign Standards.

**2.5.8. Home Occupation Permit<sup>57</sup>**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring home occupations comply with the home occupation standards in this Ordinance.

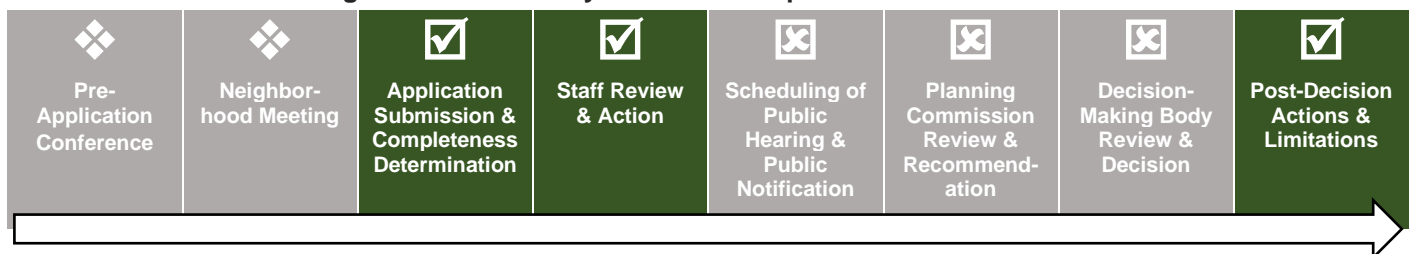
**(B) Applicability**

A home occupation permit is required prior to commencement of a home occupation.

**(C) Procedure for Home Occupation Permits**

An application for a home occupation permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-10: Summary of Home Occupation Permit Procedure, identifies the standard procedures in Section 2.4, that apply to home occupation permit applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for home occupation permits, including any modifications to the standard procedures in Section 2.4.

**Figure 2-10: Summary of Home Occupation Permit Procedure**



<sup>57</sup> As discussed in the Code Assessment (see Sec. 1.6.3(c), Simplify and Modernize the Home Occupation Procedures and Standards), this new section simplifies what is a two-tier review process for home occupations in the current Zoning Resolution, to a one-step process, with the Director reviewing and deciding on certain types of proposed home occupation uses. Refinements to the home occupation standards have been made in Sec. 4.3.4(C), Home Occupation.



SEC. 2.4.2	SEC. 2.4.3	SECS. 2.4.4 & 2.4.5	SEC. 2.4.6	SEC. 2.4.7	SEC. 2.4.8	SEC. 2.4.9	SEC. 2.4.10
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☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.8(D), Decision-Making Standards for Home Occupation Permits. The Director’s decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

**(3) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for Home Occupation Permits**

The Director shall approve a home occupation permit only on finding the proposed home occupation complies with all standards and requirements in Sec. 4.3.4(C), Home Occupation.

**2.5.9. Temporary Use Permit<sup>58</sup>**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring temporary uses comply with the temporary use standards of this Ordinance.

**(B) Applicability**

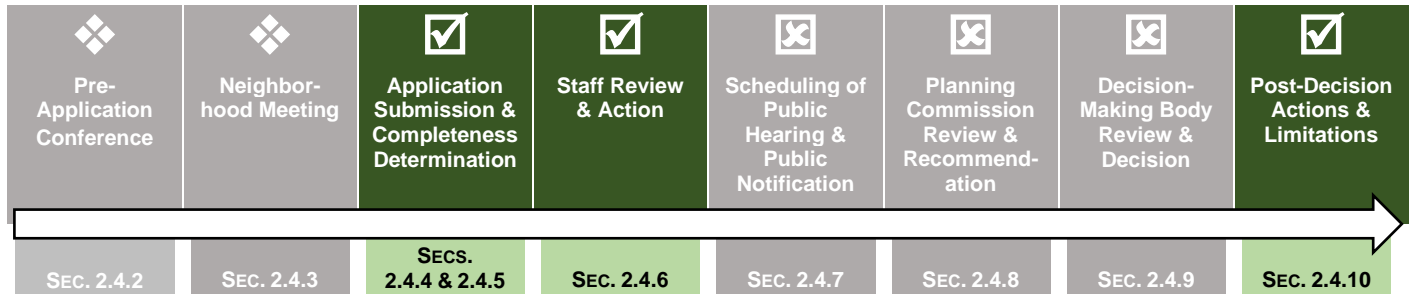
A temporary use permit is required before establishment of a temporary use that requires a temporary use permit.

**(C) Procedure for Temporary Use Permits**

An application for a temporary use permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-11: Summary of Temporary Use Permit Procedure, identifies the standard procedures in Section 2.4, that apply to temporary use permit applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for temporary use permits, including any modifications to the standard procedures in Section 2.4.

<sup>58</sup> This section builds on the Temporary Use Permit procedure in Sec. 8.040 of the current Zoning Resolution. It formats the section consistent with the format proposed for the updated Zoning Ordinance. The only change to procedural review is that the Director reviews all temporary use permits (in the Zoning Resolution the BZA reviewed and made decisions on a few temporary uses).

Figure 2-11: Summary of Temporary Use Permit Procedure



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.9(D), Decision-Making Standards for Temporary Use Permits. The Director’s decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

**(3) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for Temporary Use Permits**

The Director shall approve a temporary use permit only on finding the proposed temporary use complies with the standards in Section 4.4, Temporary Uses and Structures.

**2.5.10. Utility System Permit<sup>59</sup>**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring utility systems comply with the standards of this Ordinance.

**(B) Applicability**

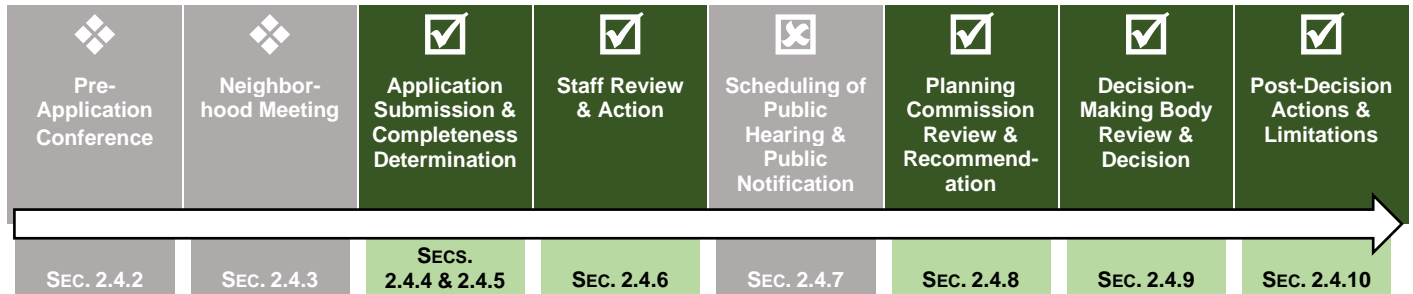
A utility system permit is required to create a utility system (water, wastewater, gas, electrical, or other) in the unincorporated County.

**(C) Procedure for Utility System Permits**

An application for a utility system permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-12: Summary of Utility System Permit Procedure, identifies the standard procedures in Section 2.4 that apply to utility system permit applications and those that do not apply. Subsections (1) through (5) below set out the required procedure for utility system permits, including any modifications to the standard procedures in Section 2.4.

<sup>59</sup> This section builds on the development standards for utility systems in Sec. 4.130 of the current Zoning Resolution. It formats the section consistent with the format proposed for the updated Zoning Ordinance. There are no changes in who reviews the application.

Figure 2-12: Summary of Utility System Permit Procedure



☑= Applicable; ❌=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and prepare a staff report that includes a recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(3) Advisory Body Review and Recommendation**

The Planning Commission shall conduct a public meeting on the application and make a recommendation on the application in accordance with Sec. 2.4.8, Planning Commission Review and Recommendation, and Sec. 2.5.10(D), Decision-Making Standards for Utility System Permits.

**(4) Decision-Making Body Review and Decision**

The County Commission shall make a decision on the application in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.10(D), Decision-Making Standards for Utility System Permits. The County Commission’s decision shall be one of the following:

- (a) Approve the utility system as proposed;
- (b) Approve a revised version of the proposal for the utility system subject to conditions of approval;
- (c) Deny a permit for the utility system;
- (d) Remand the application to the Planning Commission for further consideration.

**(5) Post-Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for Utility System Permits**

A utility system permit shall only be approved on finding the proposed utility system complies with all standards and requirements in this Ordinance, other applicable County laws, and applicable state law.

**2.5.11. House Moving Permit<sup>60</sup>**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for ensuring the movement of existing detached single-family homes complies with the standards of this Ordinance and state law.

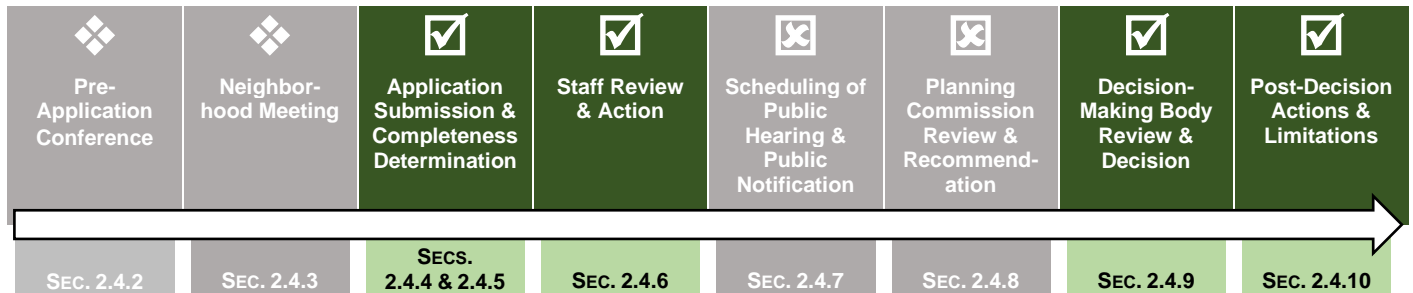
**(B) Applicability<sup>61</sup>**

Unless exempt in accordance with Sec. 13-3-502, T.C.A, a house moving permit is required before moving a house from one lot to another lot in the unincorporated County. If required, it is a prerequisite for submitting a Building Permit (see Sec. 2.5.12).

**(C) Procedure for House Moving Permits**

An application for a house moving permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-13: Summary of House Moving Permit Procedure, identifies the standard procedures in Section 2.4 that apply to house moving permit applications and those that do not apply. Subsections (1) through (4) below set out the required procedure for house moving permits, including any modifications to the standard procedures in Section 2.4.

**Figure 2-13: Summary of House Moving Permit Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

<sup>60</sup> This section builds on the House Moving permit procedure in Sec. 4.190 of the current Zoning Resolution. It formats the section consistent with the format proposed for the updated Zoning Ordinance. The Planning Commission continues to act as the decision-making body in compliance with state law.

<sup>61</sup> Under state law, a house moving permit from the County is not required if approval is granted by a homeowners' association or a neighborhood association that applies to the proposed destination of the house.

**(1) Application Submission and Completeness Determination<sup>62</sup>**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and prepare a staff report that includes a recommendation in accordance with Sec. 2.4.6, Staff Review and Action.

**(3) Decision-Making Body Review and Decision**

The Planning Commission shall conduct a public hearing on the application and make a decision in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.11(D), Decision-Making Standards for House Moving Permits. The Planning Commission's decision shall be one of the following:

- (a) Approve the house moving permit application as proposed;
- (b) Approve a revised house moving permit subject to conditions of approval; or
- (c) Deny the house moving permit application.

**(4) Post-Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for House Moving Permits**

The Planning Commission shall approve a housing moving permit only on finding the proposed house moving permit application complies with all standards and requirements in Secs. 13-5-302 and 13-3-503, T.C.A.

**2.5.12. Building Permit<sup>63</sup>****(A) Purpose**

The purpose of this section is to establish a uniform mechanism to ensure all proposed development complies with the standards of this Ordinance and state law, prior to the issuance of a building permit and development on a site.<sup>64</sup>

**(B) Applicability**

A building permit is required before a property owner or applicant locates, erects, or begins construction, reconstruction, extension, change of occupancy, or structural alteration of any building or structure in the unincorporated County.

**(C) Procedure for Building Permits**

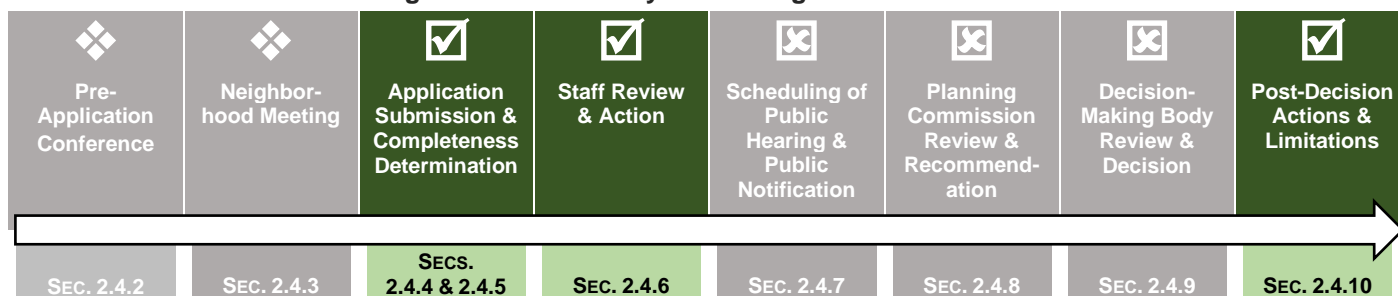
An application for a building permit shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-14: Summary of Building Permit Procedure, identifies the standard procedures in Section 2.4 that apply to building permit applications and those that do not apply. Subsections (1) through (3) below set out the required procedure for a building permit, including any modifications to the standard procedures in Section 2.4.

<sup>62</sup> The required application materials specified in Sec. 4.912 of the Zoning Resolution are proposed to be relocated to the Procedures Manual by the Director in accordance with Sec. 2.3.4(A)(6).

<sup>63</sup> This section carries forward the Building Permit procedure in Sec. 8.030 of the current Zoning Resolution. It formats the section consistent with the format proposed for the updated Zoning Ordinance. In the current Zoning Resolution, approval of a site plan (also referred to as a development plan) is listed as a prerequisite for a building permit approval (Sec. 8.030 et seq.). This section carries forward the remaining elements of the Building Permit procedure. There are no changes in who reviews the application.

<sup>64</sup> T.C.A. §13-7-110.

Figure 2-14: Summary of Building Permit Procedure



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and make a decision in accordance with Sec. 2.4.6, Staff Review and Action, and Sec. 2.5.12(D), Decision-Making Standards for Building Permits. The Director’s decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

**(3) Post-Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations.

**(D) Decision-Making Standards for Building Permits**

The Director shall approve a building permit only on finding the proposed location, erection, construction, reconstruction, extension, conversion, or structural alteration complies with the adopted building codes of the County.<sup>65</sup> and all other applicable regulations.

**2.5.13. Zoning Variance<sup>66</sup>**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism to allow deviations from the standards in this Ordinance when the strict application of the standards would result in unnecessary hardship.

**(B) Applicability**

- (1) Except as provided in subsection (2) below, the BZA may grant relief from the standards of this Ordinance in accordance with the procedures and sections of this section.
- (2) The BZA may not permit a use on land in a zone district where the use is prohibited within the zone district.

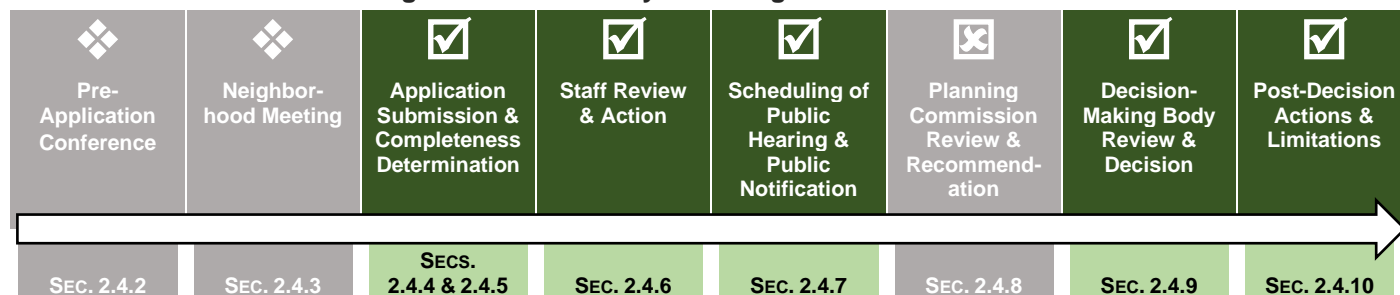
<sup>65</sup> The County adopted a suite of international codes including the International Residential, Building, Plumbing, Mechanical, Fuel Gas, and Energy Conservation codes via Resolution 12-19-26, which is accessible through the Building & Zoning Office’s website.

<sup>66</sup> This section builds on the Zoning Variance procedure in Sec. 8.070 of the current Zoning Resolution. It formats the section consistent with the format proposed for the updated Zoning Ordinance. There are no changes in who reviews the application. The decision standards are carried over with some revisions for clarity.

**(C) Procedure for Variance**

An application for a zoning variance shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-15: Summary of Zoning Variance Procedure, identifies the standard procedures in Section 2.4 that apply to zoning variance applications and those that do not apply. Subsections (1) through (5) below set out the required procedure for zoning variance applications, including any modifications to the standard procedures in in Section 2.4.

**Figure 2-15: Summary of Zoning Variance Procedure**



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

Applications shall be submitted in accordance with Sec. 2.4.4, Application Submission. The Director shall make a determination as whether the application is complete in accordance with Sec. 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application in accordance with Sec. 2.4.6, Staff Review and Action.

**(3) Scheduling of Public Hearing and Public Notification**

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(4) Decision-Making Body Review and Decision**

The BZA shall conduct a public hearing on the application and make a decision in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.13(D), Decision-Making Standards for Zoning Variance. The BZA's decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

**(5) Post Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. 2.4.10, Post Decision Actions and Limitations, In addition, approval of a zoning variance authorizes only the particular relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by this Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other development approvals or permits under this Ordinance unless the relevant and applicable portions of this Ordinance or any other applicable laws are met. A zoning variance, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.



**(D) Decision-Making Standards for Zoning Variance**

- (1) The BZA shall grant a variance only on finding the applicant demonstrates all of the following:<sup>67</sup>
- (a) That the applicant experiences peculiar and exceptional practical difficulties or exceptional and undue hardship resulting from:
    - 1. Exceptional narrowness, shallowness, or shape of a specific piece of property;
    - 2. Exceptional topographic conditions; or
    - 3. Other extraordinary or exceptional situations or conditions regarding a piece of property;
  - (b) That the variance is the minimum variance that would relieve such difficulties or hardship;
  - (c) That the variance will not authorize a use in a zone district other than those permitted by this Ordinance;
  - (d) That the granting of the variance will not be detrimental to the general welfare, the reasonable enjoyment of and value of property or improvements in the area in which the subject property is located, or the intent and purpose of the zone district in which the subject property is located;
  - (e) That the proposed variance will not limit an adequate supply of light and air to the adjacent property, substantially increase nearby traffic congestion, increase fire hazard, or otherwise endanger the safety of the public; and
  - (f) That the alleged difficulty or hardship has not been knowingly or intentionally created by any person having an interest in the property.
- (2) Under no circumstances shall a variance be granted:
- (a) On the grounds of a nonconforming use of neighboring lands, structures, or buildings, whether in the same zone district or a different district from the subject property;
  - (b) To allow a use not permitted in the district in which the subject property is located.

**2.5.14. Floodplain Variance**

See Section 5.13, Floodplain District Standards.

**2.5.15. Appeal of Administrative Decision<sup>68</sup>****(A) Purpose**

The purpose of this section is to establish a uniform mechanism for appeals to the BZA of administrative decisions made by the Director.

**(B) Applicability**

Any person aggrieved by a final decision of the Director under this Ordinance may appeal the decision to the BZA in accordance with the procedures and standards in this section.

**(C) Procedure for Appeal of Administrative Decision**

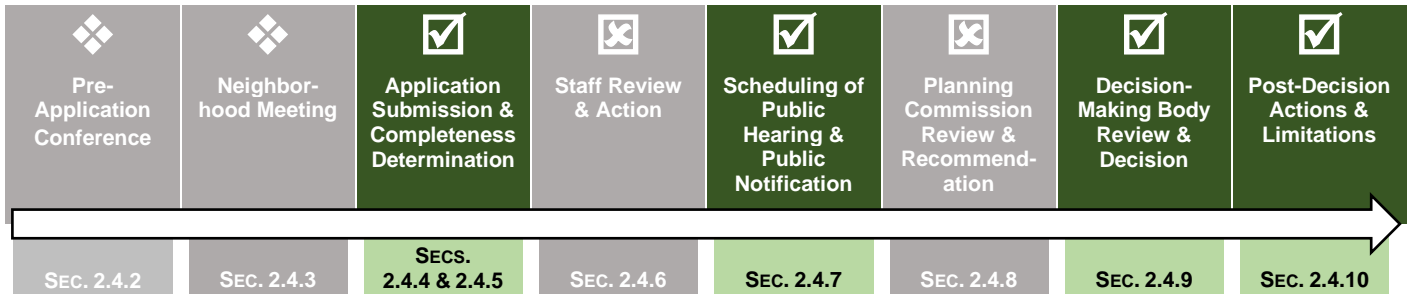
An appeal of an administrative decision by the Director shall be appealed to the BZA and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-16: Summary of Appeal of Administrative Decision Procedure, identifies the standard procedures in Section 2.4 that apply to an appeal of an administrative decision. Subsections (1) through (3) below set out the required procedure for appeals of administrative decisions, including any modifications to the standard procedures in Section 2.4.

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<sup>67</sup> See T.C.A. § 13-7-109.

<sup>68</sup> This section builds on Sec. 5.071.6, regarding administrative appeals, in the Zoning Resolution. It formats the section consistent with the format proposed for the updated Zoning Ordinance. There is no change in who reviews and makes decisions on administrative appeals. There are refinements to some of the decision standards.

Figure 2-16: Summary of Appeal of Administrative Decision Procedure



☑= Applicable; ☒=Not Applicable; ❖=Optional

**(1) Application Submission and Completeness Determination**

A Notice of Appeal shall be submitted in accordance with Sec. 2.4.4, Application Submission, as modified by subsections (a) through (c) below. For purposes of this section, the Notice of Appeal shall be considered the “application.”

- (a) Appellant shall file a Notice of Appeal on a decision of the Director under this Ordinance to the Director within 30 days after the date of the decision being appealed. The Notice of Appeal shall clearly identify the decision of the Director appealed, the grounds for the appeal, and the error made by the Director in making the decision.
- (b) Submission of a complete Notice of Appeal stays all proceedings in furtherance of the action appealed from, unless the Director certifies to the BZA that by reason of the facts stated in the certificate, a stay would, in the Director’s opinion, cause imminent peril to life or property. Where such as certificate has been provided, proceedings may be stayed only by a restraining order granted by the BZA, or by a court of competent jurisdiction on due cause shown and following notice to the person or body providing the certification.
- (c) The Director shall transmit the Notice of Appeal and all documents and written materials submitted by the Appellant in support of the Notice of Appeal, and all other relevant documents, to the BZA. The Director may also include information in support of the Director’s decision. These materials, plus any adopted plans and this Ordinance shall constitute the record on appeal.

**(2) Scheduling of Public Hearing and Public Notification**

The public hearing on the appeal shall be scheduled and notification of the hearing provided in accordance with Sec. 2.4.7, Scheduling of Public Hearing and Public Notification.

**(3) Decision-Making Body Review and Decision**

- (a) The BZA shall conduct a public hearing on the appeal and make a decision based on the record on the appeal in accordance with Sec. 2.4.9, Decision-Making Body Review and Decision, and Sec. 2.5.15(D), Decision-Making Standards for Appeal of Administrative Decision. The BZA’s decision shall be one of the following:
  - 1. Affirm the decision being appealed, wholly or in part;
  - 2. Modify the decision being appealed; or
  - 3. Reverse the decision being appealed, wholly or in part.
- (b) In making its decision, the BZA shall have all the powers of the official who made the decision and may make such order, requirement, decision, or determination as ought to be made.

**(4) Post Decision Actions and Limitations**

Any appeal of the BZA’s decision shall be to a court of competent jurisdiction in accordance with state law.

**(D) Decision-Making Standards for Appeal of Administrative Decision**

The BZA shall modify or reverse the decision on appeal only if it finds, based upon competent and substantial evidence in the record, that there has been a clear and demonstrable error in the application of the facts or the review standards of this Ordinance.

**2.5.16. Floodplain Appeal**

See Section 5.13, Floodplain District Standards.

**2.5.17. Interpretation<sup>69</sup>**

**(A) Purpose**

The purpose of this section is to establish a uniform mechanism for rendering a formal written interpretation of this Ordinance.

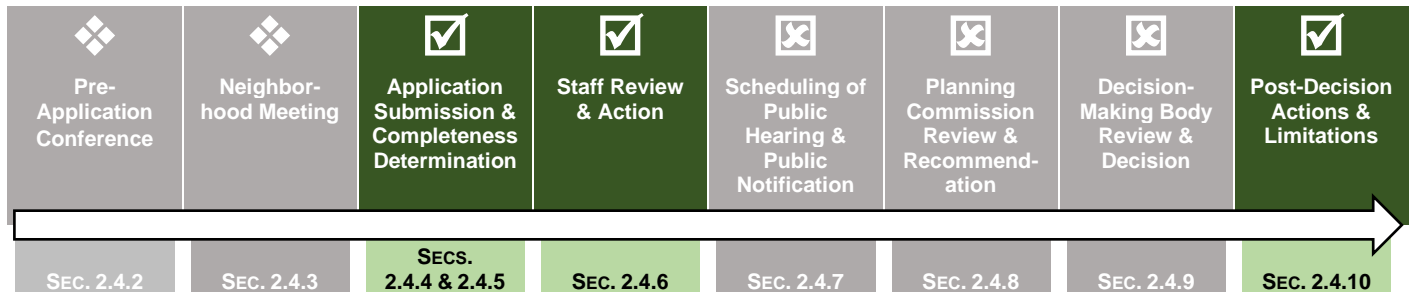
**(B) Applicability**

The Director is responsible for making formal written interpretations of this Ordinance, including interpretations of the text of this Ordinance, interpretations of the zone district boundaries, and interpretations of whether an unlisted use falls within a use category or use type allowed in a zone district. In making interpretations, the Director may seek guidance from the County Attorney, and assistance from other County staff, as appropriate.

**(C) Procedure for Interpretation**

An application for a written interpretation shall be submitted, processed, reviewed, and decided on in accordance with Section 2.4, Standard Application Requirements and Procedures, as modified in this section. Figure 2-17: Summary of Interpretation Procedure, identifies the standard procedures in Section 2.4 that apply to applications for an interpretation and those that do not apply. Subsections (1) through (3) below set out the required procedure for interpretations, including any modifications to the standard procedures in Section 2.4.

**Figure 2-17: Summary of Interpretation Procedure**



☑= Applicable; ✗=Not Applicable; ◆=Optional

**(1) Application Submission and Completeness Determination**

- (a)** Requests for interpretations shall be submitted in accordance with 2.4.4, Application Submission, except that the request may be submitted by the County Commission, the Planning Commission, any resident or landowner in the unincorporated County, or any person having a contractual interest in land in the unincorporated County. For purposes of this section, the request for an interpretation shall be considered the “application.”

<sup>69</sup> As discussed in the Code Assessment (see Sec. 1.6.2(d), Add a Procedure for Formal Interpretation of the Zoning Ordinance and Subdivision Regulations), this is a new section. It sets forth the procedure for rendering a formal interpretation of a provision of the updated Zoning Ordinance or of the zone district boundaries on the Official Zoning Map. In the current zoning ordinance, the authority to render an interpretation is implied, but there is no procedure.

- (b) The Director shall make a determination as whether the application is complete in accordance with 2.4.5, Application Completeness Determination.

**(2) Staff Review and Action**

The Director shall review the application and render an interpretation, which shall constitute the decision on the application, in accordance with 2.4.6, Staff Review and Action, and Sec. 2.5.17(D), Decision-Making Standards for Interpretation. Prior to rendering an interpretation, the Director shall consult with the County Attorney and other affected County officials about the interpretation, as appropriate.

**(3) Post-Decision Action**

- (a) A written interpretation shall be binding on subsequent decisions by the Director or other officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the interpretation is modified in accordance with this section, or the relevant text of this Ordinance or zone district boundary is amended.
- (b) The Director shall maintain in the Director's office a record of formal written interpretations rendered in accordance with this section, which shall be available to the public, upon reasonable request during normal business hours.

**(D) Decision-Making Standards for Interpretation**

**(1) Text Provisions**

Interpretation of the provision's text and its application shall be based on Section 8.2, General Rules for Interpretation; Section 1.6, Relationship with Other County Laws; and considerations including, but not limited to, the following:

- (a) The plain meaning of the provision's wording, considering any terms specifically defined in Section 8.5, Definitions; and the common and accepted usage of terms; and
- (b) The purpose of the provision, as indicated by:
  1. Any purpose statement in the section(s) where the text is located;
  2. The provision's context and consistency with surrounding and related provisions;
  3. Any legislative history related to the provision's adoption;
  4. The general purposes served by this Ordinance, as set forth in Section 1.3, General Purpose and Intent; and
  5. Any plans adopted by the County.

**(2) Unspecified Uses**

Interpretation of whether an unspecified use is similar to a use identified in the use tables in Article 4: Use Regulations, or is prohibited in a zone district, shall be based on Sec. 8.2.9, Interpretation of Unlisted Uses.

**(3) Official Zone District Boundaries**

Interpretation of the location of zone district boundaries as shown on the Official Zoning Map, shall be based on Section 8.2.8, Zone District Boundaries.



# Article 3: Zone Districts

## Commentary on Draft:

**Article 3: Zone Districts**, establishes and contains the dimensional and other basic regulations for the base, planned development, and overlay zone districts in the County.

**Section 3.1, General Provisions**, establishes the different types of zone districts, requires that all development comply with district standards, and establishes general standards that apply to all districts.

**Section 3.2, Agricultural and Residential Districts**, establishes the agricultural and residential base districts, including one agricultural district and two residential districts.

**Section 3.3, Commercial Districts**, establishes seven districts that are intended for a variety of commercial, business, and industrial uses.

**Section 3.4, Planned Development Districts**, establishes standards for the new Planned Development district and Planned Development-Traditional Neighborhood Development district.

**Section 3.5, Overlay Districts**, establishes standards for the floodplain overlay district.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

## Section 3.1 General Provisions

### 3.1.1. Zone Districts Established<sup>70</sup>

This Ordinance establishes the zone districts identified in Table 3-1: Zone Districts Established. The boundaries of each zone district are identified on the Official Zone District Map (see Section 1.7, Official Zoning Map).

Table 3-1: Zone Districts Established	
<b>Agricultural and Residential Districts</b>	
AG: Agricultural Preservation	Section 3.2.2
RR: Residential Rural	Section 3.2.3
RG: Residential General	Section 3.2.4
RN: Residential Neighborhood	Section 3.2.5
<b>Commercial Districts</b>	
CRC: Commercial Rural Center	Section 3.3.2
CN: Commercial Neighborhood	Section 3.3.3
CC: Commercial Center	Section 3.3.4
COR: Commercial Corridor	Section 3.3.5
IL: Industrial Light	Section 3.3.6
IM: Industrial Medium	Section 3.3.7
IH: Industrial Heavy	Section 3.3.8

<sup>70</sup> This section establishes the zone districts in the Ordinance. A table that identifies the transition between the existing zone districts in the Zoning Resolution and the new zone districts will be included in Article 1: General Provisions. Further discussion of the new zone districts is included in Section 2.1.2, Proposed Zone District Structure, of the Code Assessment, pages II-29 through II-33, except some of the proposed zone district names and abbreviations have been revised, and the AP: Agricultural Preserve, RN: Residential Neighborhood, and COR: Commercial Corridor districts are new.



<b>Table 3-1: Zone Districts Established</b>	
<b>Planned Development Districts</b>	
PD: Planned Development	Section 3.4.2
<b>Overlay District</b>	
FP-O: Floodplain Overlay	Section 3.5.2
SW-O: Solid Waste Overlay	Section 3.5.3

### 3.1.2. Relationship of Zone Districts

There are three different types of zone districts established in this Ordinance

#### (A) Base Zone Districts

This Ordinance contains two types of base zone districts: Agricultural and Residential districts and Commercial districts. These base zone districts establish requirements for land development, including dimensional standards and allowed uses and use standards. Some include district-specific development standards, in addition to or instead of general development standards in Article 5: Development Standards.

#### (B) Planned Development Zone Districts

This Ordinance contains one Planned Development (PD) district. Development on land within a PD district is subject to a Planned Development Plan (PD Plan) and Planned Development Agreement (PD Agreement) approved for each such district in accordance with the provisions in this Ordinance.

#### (C) Overlay Zone Districts

Overlay districts apply in addition to base or planned development zone districts. Land classified within an overlay district is subject to the regulations governing development in the overlay district, in addition to the regulations governing development in the underlying base or planned development district. If there is a conflict between the regulations in the overlay district and the underlying base or planned development district, the requirements of the overlay district control, unless specifically stated to the contrary. This Ordinance contains two overlay districts, the FP-O: Floodplain Overlay district and the SW-O: Solid Waste Overlay district.

### 3.1.3. Compliance Required

Land in the County that is subject to the County's land-use jurisdiction shall not be developed except in accordance with the regulations of this article, all other regulations of this Ordinance, and the Subdivision Regulations.

### 3.1.4. General Zone District Standards<sup>71</sup>

- (A) The minimum lot sizes established in this Article 3 apply to lands with sanitary sewer service, including sewer service operated by a public utility or another utility approved by the County Commission and authorized to operate by the Tennessee Department of Environment & Conservation (TDEC), or uses that have access to a decentralized wastewater disposal and treatment system in accordance with Sec. 4.2.4(C)(8), Decentralized Wastewater Treatment and Disposal System. Lots without sanitary sewer service shall have minimum lot sizes as established in this Article 3 or as required by TDEC, whichever lot size is greater.<sup>72</sup> No use may

<sup>71</sup> We have not carried forward the restriction in Section 3.020 of the Zoning Resolution limiting two principal buildings to a lot, and the development standards for group housing at Section 4.080 that establish standards for developments that place multiple residential buildings on a single lot (such as, for example, garden apartments in separate buildings). We think these restrictions might limit development opportunities. The concerns that led to these restrictions can be addressed when the development standards in Article 5 are prepared. New standards governing decentralized wastewater treatment and disposal systems have been added.

<sup>72</sup> This is a new standard that incorporates the references in existing sections of the code to TDEC's septic requirements. It applies generally and replaces specific references in particular zone districts.

commence until the sanitary sewer system serving the use has received all necessary approvals from the County, state, and TDEC, as applicable.

- (B)** All septic systems, including on-site subsurface disposal fields, shall be located on the same lot as the uses being served and may not be located on another lot or in an easement.<sup>73</sup>
- (C)** No lot shall be reduced in area, width, depth, or any other dimension below the minimum requirements of this Article 3.<sup>74</sup>

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<sup>73</sup> This standard is carried forward from the definition of “septic systems” in the Zoning Resolution.

<sup>74</sup> This carries forward Sec. 3.040 of the Zoning Resolution. The provision excluding land taken for a purpose has been removed, as government’s actions in acquiring land for a public purpose through eminent domain does not require compliance with zoning regulations. The situation in which the acquisition of land makes a lot nonconforming will be addressed in Article 6: Nonconformities.

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## **Section 3.2 Agricultural and Residential Districts**

### **3.2.1. Purpose**

The purposes of the Agricultural and Residential zone districts are to:

- (A) Provide appropriately located lands for development that are consistent with the goals, objectives, and policies of the Comprehensive Plan and all other relevant plans adopted by the County;
- (B) Support existing agricultural lands and uses and protect them from incompatible residential development;
- (C) Minimize the impact that residential development may have on the community's rural character and the natural environment;
- (D) Protect existing natural features and the natural environment;
- (E) Support limited nonresidential services that are compatible with very low or low density residential development; and
- (F) Provide for varying types of residential development and densities that are compatible with different parts of the County.



**3.2.2. AP: Agricultural Preservation<sup>75</sup>**

**(A) Purpose and Intent**

The purpose of the AP: Agricultural Preservation district is to support and maintain the primary use of land for the preservation and protection of valuable agricultural and forestry uses, and lands with significant environmental features and functions. Along with agricultural and single-family detached dwelling uses, a limited number of other uses are allowed in the district, when they are designed and located to preserve and maintain the district’s rural character.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the AP district shall comply with the standards in Table 3-2: AP District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-2: AP District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min (acres)	15	<b>Setbacks, min (ft)</b>	
Density, max (du/acre)	0.2	<b>C</b> Front	100
<b>A</b> Lot width, min (ft)	300	<b>D</b> Side	30 [1]
<b>B</b> Height, max (stories   ft)	3   35	<b>E</b> Rear	50
Lot coverage, max	10%		

*du = dwelling units min = minimum max = maximum ft = feet*

**NOTES:**

[1] Minimum setback along a secondary street frontage is 75 feet.

<sup>75</sup> The AP district is a new voluntary district that, compared to the existing agricultural and residential districts in the current Zoning Resolution that are carried forward in this draft, requires a substantially greater minimum lot size (15 acres, versus a maximum lot area of 1 acre in other districts); has established a significantly lower lot coverage (10% versus 30%), and has a much lower maximum residential density (1 dwelling unit per 5 acres, or 0.2 units per acre). To support the district’s low density rural and agricultural character, allowed uses include agricultural uses, single-family dwellings, and a minimal number of other uses (including family child care, community centers, religious facilities and places of assembly, and open space uses such as parks). It is assumed that the district will not be initially applied to any land in the unincorporated county, but will be included in the Ordinance and available for landowners to request, on a voluntary basis.

[Dimensional drawing to be added]

**(A) Development Standards**

Development in the AP district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-3: Cross-References to Other Standards.

<b>Table 3-3: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards



**3.2.3. RR: Residential Rural<sup>76</sup>**

**(A) Purpose and Intent**

The purpose of the RR: Residential Rural district is to provide lands that accommodate agricultural and forestry uses along with low density residential uses.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

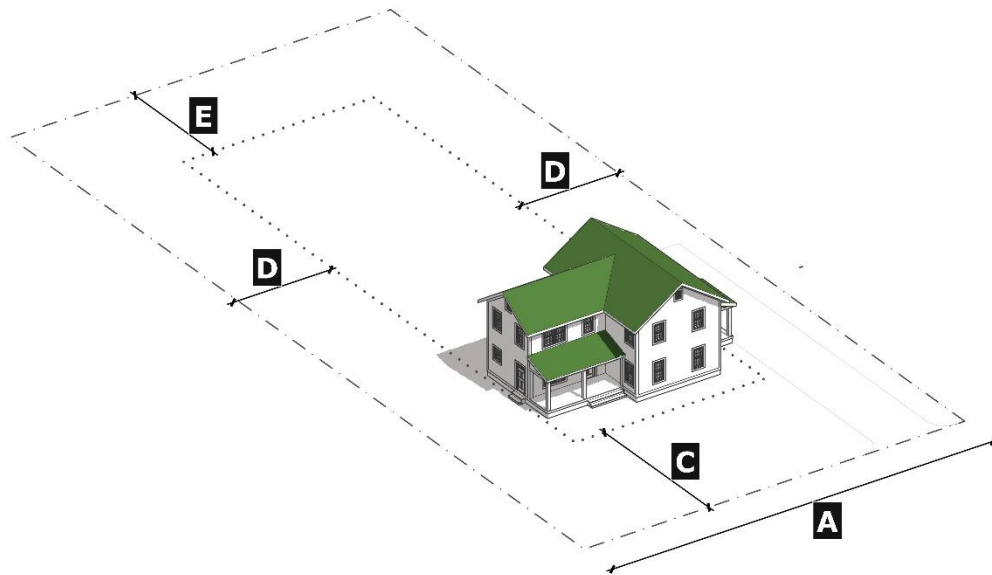
Development in the RR district shall comply with the standards in Table 3-4: RR District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-4: RR District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min (acres)	5	<b>Setbacks, min (ft)</b>	
Density, max (du/acre)	1	<b>C</b> Front	75
<b>A</b> Lot width, min (ft)	100	<b>D</b> Side	20   50 [1]
<b>B</b> Height, max (stories   ft)	3   35	<b>E</b> Rear	30 [2]
Lot coverage, max	30%		

*du = dwelling units min = minimum max = maximum ft = feet*

**NOTES:**

- [1] The minimum side setback to another lot is 20 feet; the minimum side setback to a secondary street frontage is 50 feet.
- [2] An accessory structure may be located within the rear setback if it is a minimum of 15 feet from the property line.



**(D) Development Standards**

Development in the RR district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-5: Cross-References to Other Standards.

<sup>76</sup> This is a new district.

**Table 3-5: Cross-References to Other Standards**

<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards

**(E) Additional Standards**

- (1) Accessory structures shall be located at least 20 feet behind the principal building on the site.
- (2) A dwelling unit shall be located at least 40 feet from another dwelling unit in a separate building on the same lot, measured from the nearest points of the buildings.

**3.2.4. RG: Residential General<sup>77</sup>**

**(A) Purpose and Intent**

The purpose of the RG: Residential General district is to provide lands that accommodate low-density residential development in areas within the unincorporated areas of the County.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the RG district shall comply with the standards in Table 3-6: RG District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-6: RG District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min (acres)	1 [1] <sup>78</sup>	<b>Setbacks, min (ft)</b>	
Density, max (du/acre)	1 <sup>79</sup>	<b>C</b> Front	25 <sup>80</sup>
<b>A</b> Lot width, min (ft)	100 <sup>81</sup>	<b>D</b> Side	20   30 [2] [3] <sup>82</sup>
<b>B</b> Height, max (stories   ft)	2   35 <sup>83</sup>	<b>E</b> Rear	30 [2] <sup>84</sup>
Lot coverage, max	30% <sup>85</sup>		

*du = dwelling units min = minimum max = maximum ft = feet*

**NOTES:**

- [1] Lots that were served by sanitary sewer as of [insert effective date of this Ordinance] may be as small as 20,000 square feet in area.
- [2] The minimum side setback to another lot is 20 feet; the minimum side setback to a secondary street frontage is 30 feet for the principal building.
- [2] An accessory structure may be located within the side setback to a secondary frontage or the rear setback if it is a minimum of 15 feet from the property line.

<sup>77</sup> The RG: Residential General District consolidates the A-1, A-2, and A-2A districts.

<sup>78</sup> Minimum lot area is two acres in A-1, one acre in A-2 (except for lands served by a sanitary sewer system which can be as small as 20,000 square feet), one acre in A-2A. The reference to the lot size requirements in table note [1] is included to reduce nonconformities, and ensuring future use of this district has a consistent one-acre minimum lot size.

<sup>79</sup> The A-2 district establishes a minimum one-acre lot size “for each single family dwelling unit and/or duplex permitted on the lot.” It is not expected that the allowance of only single-family detached dwellings as a residential use in this district will cause nonconformities.

<sup>80</sup> Minimum front yard setback in the R-1 district is 30 feet.

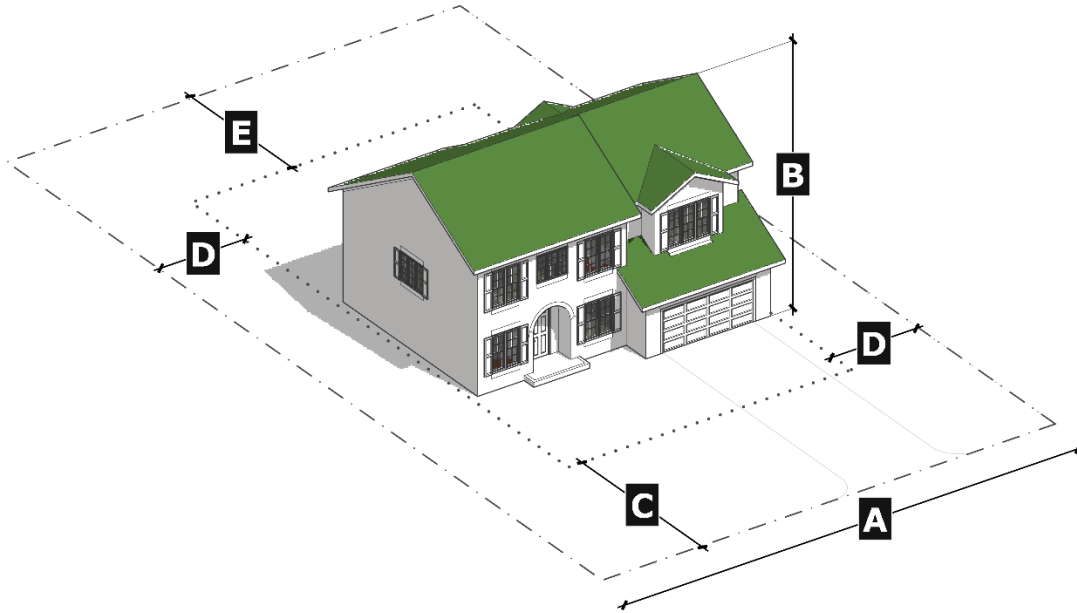
<sup>81</sup> Regulations in the Zoning Resolution (Section 5.041d.6 for the A-1 district, Section 5.042e.6 for the A-2 district, and Section 5.043e.6 for the A-2A district) grant the Planning Commission authority to reduce the minimum lot width from 200 feet to 100 feet; this has been replaced by a 100 foot minimum..

<sup>82</sup> In the A-1, A-2, and A-2A districts, the minimum side setbacks are 20 feet with a one- or two-story building, and 25 feet with a three story building.

<sup>83</sup> Changes maximum height to two stories (retains 35 feet maximum). **NOTE:** The maximum height in the A-1, A-2, and A-2A districts is 3 stories or 35 feet. This change may cause nonconformities.

<sup>84</sup> Current rear setback is 35 feet for the principal structure in the A-1 district, and 30 feet in the A-2 and A-2A districts,

<sup>85</sup> This is a decrease from the 30 percent lot coverage maximum in the R-1 district.



**(D) Development Standards**

Development in the RG district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-7: Cross-References to Other Standards.

<b>Table 3-7: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards

**(E) Additional Standards**

(1) Accessory structures shall be located at least 10 feet behind the principal building on the site.<sup>86</sup>

<sup>86</sup> This is a new standard.



**3.2.5. RN: Residential Neighborhood<sup>87</sup>**

**(A) Purpose and Intent**

The purpose of the RN: Residential Neighborhood district is to provide lands that can accommodate low- to medium-density single-family residential development in a form that preserves a portion of the land as open space set-asides, for the purpose of preserving and maintaining the County’s low density and rural character.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the RG district shall comply with the standards in Table 3-8: RN District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-8: RN District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min (sf)	6,500 <sup>88</sup>	<b>Setbacks, min (ft)</b>	
Density, max (du/acre)	3	<b>C</b> Front	20 <sup>89</sup>
<b>A</b> Lot width, min (ft)	60   80 [1]	<b>D</b> Side	10 <sup>90</sup>
<b>B</b> Height, max (stories   ft)	3   35	<b>E</b> Rear	15 <sup>91</sup>
Lot coverage, max	40%		

*du = dwelling units min = minimum max = maximum ft = feet*

**NOTES:**

[1] Minimum lot width is 60 feet, or 80 feet on a corner lot.

[Dimensional drawing to be added]

**(D) Development Standards**

Development in the RN district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in subsection (E) below and Table 3-7: Cross-References to Other Standards.

<b>Table 3-9: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards

<sup>87</sup> This consolidates the R-1: Suburban Residential and (currently unused) R-2: Urban Fringe Residential zone districts. It permits moderately higher density (3 dwelling units per acre) than the exiting R-1 and R-2 districts and allows for smaller lot sizes, provided the development includes contiguous open space and clusters the lots together on the site, to the maximum extent practicable.

<sup>88</sup> Minimum lot area in R-1 and R-2 is 43,560 sf for lots not served by sanitary sewer. If served by sanitary sewer, minimum lot size in R-1 is 15,000 sf for a lot with a single-family dwelling, 22,500 sf for a lot with a two-family dwelling, and in R-2 is 10,000 square feet for a lot with one dwelling unit, 15,000 sf for a lot with two dwelling units, 17,500 sf for a lot with three dwelling units, 25,000 sf for a lot with four dwelling units, and an additional, 3,600 sf of lot area for each dwelling unit above four. Lots in the R-2 district are also required to have water service.

<sup>89</sup> Minimum front setback is 30 feet in R-1 and R-2.

<sup>90</sup> Minimum side setback is 15 feet in R-1 and R-2, with five additional feet of setback required if a three-story structure is on the site.

<sup>91</sup> Minimum rear setback is 25 feet in R-1 and R-2.



<b>Table 3-9: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards

**(E) Additional Standards**

**(1) Site Configuration**

The lots used for residential purposes shall be clustered to the maximum extent practicable, to allow for the maximum amount of contiguous open space.

**(2) Open Space Set-Asides**

Development in the RN district shall be required to set aside 30 percent of the land as permanent open space. The open space set-aside shall comply with the standards in Section 5.5, Open Space Set-Aside Standards, as modified by the following:

- (a)** The open space set-aside shall not include land used for a decentralized wastewater treatment system.
- (b)** The use of natural features as open space shall be prioritized.
- (c)** Facilities such as fountains or other water features, play structures, swimming pools, and athletic fields and courts (and associated clubhouse) shall not be constructed in the areas established to meet the 30 percent open space set-aside requirement.

**(3) Accessory Structures**

Accessory structures shall be located in the rear yard, at least 10 feet behind the principal building on the site, and at least 10 feet from the rear lot line.

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## Section 3.3 Commercial Districts

### 3.3.1. Purpose

The purposes of the Commercial zone districts are to:

- (A) Strengthen the County's economic base and provide employment opportunities close to home for County residents;
- (B) Provide appropriately located lands that accommodate the full variety of development types needed for different business and commercial uses; and
- (C) Encourage and support high-quality development along existing nonresidential corridors, where nonresidential uses are appropriate.

**3.3.2. CRC: Commercial Rural Center<sup>92</sup>**

**(A) Purpose and Intent**

The purpose of the CRC: Commercial Rural Center district is to provide lands that accommodate low intensity civic and commercial uses in rural parts of the County. Development is intended to be small-scale and compact and not extend along arterial or collector streets.

**(B) Use Standards**

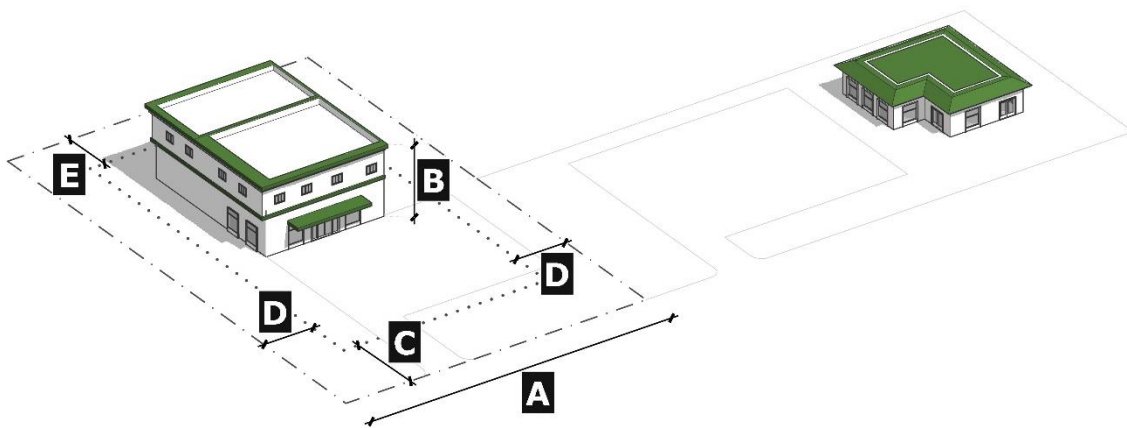
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the CRC district shall comply with the standards in Table 3-10: CRC District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-10: CRC District Intensity and Dimensional Standards</b>					
<b>Standard</b>		<b>Value</b>	<b>Standard</b>		<b>Value</b>
	Lot area, min (sf)	20,000 <sup>93</sup>	<b>Setbacks, min (ft)</b>		
<b>A</b>	Lot width, min (ft)	100	<b>C</b>	Front	30
<b>B</b>	Height, max (stories   ft)	3   35 <sup>94</sup>	<b>D</b>	Side	20 <sup>95</sup>
	Lot coverage, max	40%	<b>E</b>	Rear	20

*min = minimum    max = maximum    ft = feet*



<sup>92</sup> This carries forward the C-1: Rural Center zone district with minimal changes. Dimensional standards are unchanged except as noted below.

<sup>93</sup> In C-1 district, minimum lot size for residential uses is 15,000 sf if sewer is available, or 30,000 sf if sewer is not available (and a minimum one acre if sewage disposal cannot be accommodated on the lot). A two-family dwelling is permitted with a minimum lot size that is 5,000 sf greater than the base regulations. For commercial uses, minimum lot size is 20,000 sf if sewer is available, or 30,000 sf if sewer is not available (and a minimum one acre if sewage disposal cannot be accommodated on the lot)

<sup>94</sup> A 35-foot height limit is added to the carried-forward 3-story height limit.

<sup>95</sup> In the Zoning Resolution, the side setback is 20 feet with an additional 5 feet of setback required for each story above one for residential structures, and 10 additional feet of setback required for each story above one for nonresidential structures. Neighborhood compatibility standards and other development standards will more comprehensively address impacts between neighboring properties, so this standard is not carried forward.

**(D) Development Standards**

Development in the CRC district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-11: Cross-References to Other Standards.

<b>Table 3-11: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards

**3.3.3. CN: Commercial Neighborhood<sup>96</sup>**

**(A) Purpose and Intent**

The purpose of the CN: Commercial Neighborhood district is to provide lands that accommodate a limited range of small-scale neighborhood serving commercial uses and a mix of residential uses, at a maximum density of seven units per acre, along the County’s major thoroughfares and where water infrastructure can be extended, on appropriate locations designated in the County’s comprehensive plan. Development is intended to be of moderate scale, generally walkable, and reasonably compact, and not create “strip development” that extends along arterial or collector streets. Specifically, allowable uses include small-scale residential uses (including townhouses, but excluding single-family detached dwellings), limited retail sales and services, personal services, eating or drinking establishments, and related uses, and small-scale mixed-use development (residential over ground floor) at a scale and form that is consistent with district character.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the CN district shall comply with the standards in Table 3-12: CN District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-12: CN District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min	None [1]	<b>Setbacks (ft)</b>	
Density, max (du/acre)	7	<b>C</b> Front, min   max	10   20 [2]
<b>A</b> Lot width, min (ft)	20	<b>D</b> Side, min	None
<b>B</b> Height, max (stories   ft)	3   35	<b>E</b> Rear, min	None
Lot coverage, max	70%		

*min = minimum max = maximum ft = feet*

**NOTES:**

- [1] The maximum amount of contiguous land that may be assigned to the CN district is 100 acres.
- [2] Within the zone created by the minimum and maximum front setback, at least 60 percent of the width of the lot shall be occupied by the façade of the principal building on the site. Outdoor dining between a building’s frontage and a sidewalk is allowed, and the maximum front setback may be extended for that outdoor dining area only to 50 feet, provided that a “clear zone” is provided that is unobstructed by any permanent or nonpermanent object for a minimum width of four feet.

<sup>96</sup> This is a new zone district which is designed to support small-scale, neighborhood supportive businesses near the County’s existing residential neighborhoods. Standards are updated based on Planning Commission feedback to make this a mixed-use district that supports a mix of residential and small-scale commercial uses. The updated subdivision regulations may include requirements that platted land in this district incorporate a commitment that 30 percent of the street level uses be commercial.

[Dimensional drawing to be added]

**(D) Development Standards**

Development in the CN district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards in subsection (E) below and the standards referenced in Table 3-13: Cross-References to Other Standards.

<b>Table 3-13: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards

**(E) Additional Standards<sup>97</sup>**

**(1) Use Requirements**

No development shall be approved unless 5,000 square feet of the gross floor area of development on a site consists of allowed commercial uses.

**(2) Off-Street Parking**

All proposed new or additional surface vehicle parking shall be located to the rear or side of the development's principal building(s). Each on-street parking space provided along any private street on the development site shall count towards the minimum off-street parking requirement in Sec. 5.2.6, Off-Street Vehicular Parking Spaces Required.

**(3) Streets and Sidewalks**

- (a)** All streets within the development shall be private streets in accordance with the standards in Sec. 5.1.5(E), Private Streets.
- (b)** All development in the district, including development along state or County roads, shall include privately-maintained sidewalks that comply with the standards in Sec. 5.1.5(B), Sidewalks.

**(4) Pedestrian Entrances**

Where the facade of a principal building abuts or faces a street, at least one operable pedestrian entrance providing both ingress and egress shall be provided. If the facade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space. Each such pedestrian entrance shall be clearly defined and emphasized using changes in the wall plane or facade material, pilasters, awnings, canopies, porches, or other architectural elements.

**(5) Accessory Structures**

Accessory structures shall be located at least 10 feet behind the principal building on the site.

<sup>97</sup> The notes from the Planning Commission subcommittee requested a "5' min or 15' min" for accessory structures from the rear setback. A 10 foot setback is included for discussion purposes.



**(6) Sewage Disposal**

Lots without sanitary sewer service shall have a sewage disposal system approved by TDEC.



**3.3.4. CC: Commercial Center<sup>98</sup>**

**(A) Purpose and Intent**

The purpose of the CC: Commercial Center district is to provide lands that accommodate higher-intensity commercial uses along the County’s arterial roadways. A broad range of commercial uses are allowed in the district, primarily retail, office, and service establishments.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the CC district shall comply with the standards in Table 3-14: CC District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-14: CC District Intensity and Dimensional Standards</b>					
<b>Standard</b>		<b>Value</b>	<b>Standard</b>		<b>Value</b>
	Lot area, min	[1]	<b>Setbacks, min (ft)</b>		
<b>A</b>	Lot width, min (ft)	100	<b>C</b>	Front	20 <sup>99</sup>
<b>B</b>	Height, max (stories   ft)	3   35 <sup>100</sup>	<b>D</b>	Side	20 <sup>101</sup>
	Lot coverage, max	70% <sup>102</sup>	<b>E</b>	Rear	15 <sup>103</sup>

*min = minimum max = maximum ft = feet*

**NOTES:**

- [1] For lots that have water service from a water utility and sanitary sewer service, no minimum lot size. For lots that have water service from a water utility but do not have sanitary sewer service, minimum lot size is 10,000 square feet. For lots that do not have water service from a water utility or sanitary sewer service, minimum lot size is 20,000 square feet. Commercial uses are required to have water service from a water utility.<sup>104</sup>

<sup>98</sup> This carries forward the C-2: General Commercial zone district. Dimensional standards are unchanged except as noted in the footnotes below. The landscaping provisions in Sec. 5.052f of the Zoning Resolution are not carried forward. They will be replaced by the general landscaping provisions in Section 5.3, Landscaping Standards. Text in the Zoning Resolution regarding fire protection has been removed, as it duplicates building code standards.

<sup>99</sup> Reduced from 50 feet, as that is a very deep setback to require for these types of commercial uses.

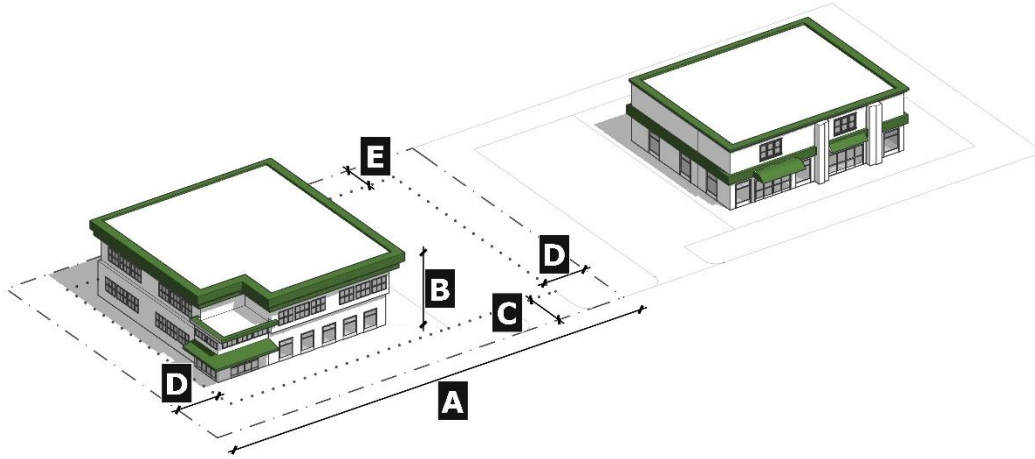
<sup>100</sup> A 35-foot height limit is added to the carried-forward 3-story height limit.

<sup>101</sup> The Zoning Resolution requires compliance with the minimum side setback of any adjacent residential district. This provision was removed because the neighborhood compatibility standards (to be drafted) will comprehensively address incompatible adjacent land uses. A separate provision allowing for 0 side setback and a shared wall with an adjoining lot upon consent of the adjacent property owner is also removed.

<sup>102</sup> Reduced from 100% in the current Zoning Resolution.

<sup>103</sup> The Zoning Resolution requires a 30 feet rear setback if vehicular access is provided by the rear of the lot; this has not been carried forward.

<sup>104</sup> Reference to “water service from a water utility” is new and intended to clarify existing text which references lots “with water.” Requirement that commercial uses have water service from a utility is new.



**(D) Development Standards**

Development in the CC district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-15: Cross-References to Other Standards.

<b>Table 3-15: Cross-References to Other Standards</b>			
<b>Sec.</b>	<b>Standard</b>	<b>Sec.</b>	<b>Standard</b>
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards

**3.3.5. COR: Commercial Corridor<sup>105</sup>**

**(A) Purpose and Intent**

The purpose of the COR: Commercial Corridor district is to provide lands that accommodate the highest intensity of commercial uses in the County, near incorporated areas, at interstate interchanges, and along the other highly trafficked roadways. Development is intended to be auto-oriented with design that facilitates safe pedestrian access from parking areas to uses on the site and on adjacent sites. Water and sewer service are required. A full assortment of commercial uses is allowed.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

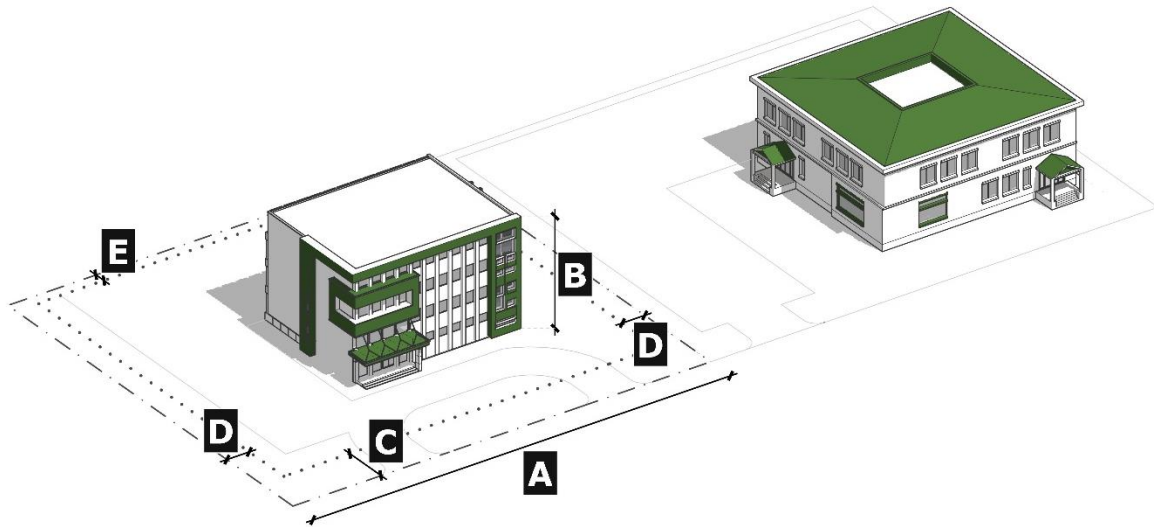
**(C) Intensity and Dimensional Standards**

Development in the COR district shall comply with the standards in Table 3-16: COR District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-16: COR District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min	n/a	<b>Setbacks, min (ft)</b>	
<b>A</b> Lot width, min (ft)	100	<b>C</b> Front	50
<b>B</b> Height, max (stories   ft)	3   35	<b>D</b> Side	10
Lot coverage, max	80%	<b>E</b> Rear	5

*min = minimum    max = maximum    ft = feet*

<sup>105</sup> This is a new zone district, developed following the Code Assessment with input from staff and the Planning Commission. It is intended to accommodate the County’s highest intensity commercial uses along the County’s major roadways, largely in areas where similarly intense development already has occurred on lands that have been annexed into the County’s municipalities. Staff is continuing to discuss the standards in this district.



**(D) Development Standards**

Development in the COR district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-17: Cross-References to Other Standards.

**Table 3-17: Cross-References to Other Standards**

Sec.	Standard	Sec.	Standard
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards

**(E) Additional Standards**

Water and sewer service is required for all uses in the COR district.

**3.3.6. IL: Industrial Light<sup>106</sup>**

**(A) Purpose and Intent**

The purpose of the IL: Industrial Light district is to provide lands that accommodate office, light production and processing, wholesaling, distribution, storage, industrial services, and office uses, which are relatively clean, quiet, and free of objectionable or hazardous elements, such as smoke, noise, odor, or dust, and which are generally conducted within a building. The district also accommodates limited commercial uses intended to serve the principal office and light industrial uses.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the IL district shall comply with the standards in Table 3-18: IL District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-18: IL District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min	10,000	<b>Setbacks, min (ft)</b>	
<b>A</b> Lot width, min (ft)	50	<b>C</b> Front	30
<b>B</b> Height, max (stories)	[1]	Side	20
Lot coverage, max	50% <sup>107</sup>	Rear	20

*min = minimum max = maximum ft = feet sf = square feet*

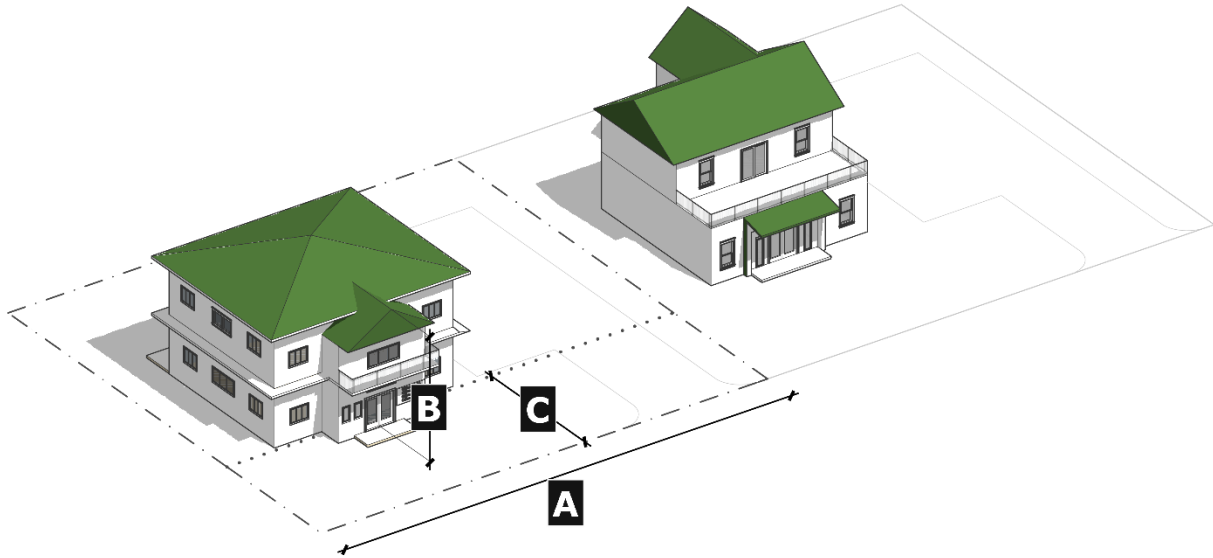
**NOTES:**

[1] Buildings or structures or portions of buildings or structures used, intended, or designed for general human occupancy shall have a maximum height of three stories. Buildings or structures or portions of buildings or structures that are used, intended, or designed for industrial uses that by their nature may require additional height have no maximum height.

<sup>106</sup> This carries forward the M-1: Light Industrial district with a new name that reflects the intention that the district accommodate a broader variety of light industrial and compatible office and commercial uses. The landscaping provisions in Sec. 5.061(d)(5) of the Zoning Resolution have not been carried forward; they will be replaced by the general landscaping provisions in Section 5.3, Landscaping Standards. Dimensional standards are unchanged except as noted below.

<sup>107</sup> The lot coverage standards are new.





**(D) Development Standards**

Development in the IL district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-19: Cross-References to Other Standards.

**Table 3-19: Cross-References to Other Standards**

Sec.	Standard	Sec.	Standard
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards

**3.3.7. IM: Industrial Medium<sup>108</sup>**

**(A) Purpose and Intent**

The purpose of the IM: Industrial Medium district is to provide lands that accommodate a variety of commercial uses and manufacturing, fabricating, and warehousing activities that have the potential to produce low to moderate levels of odor, noise, and similar adverse impacts on nearby lands. The district also accommodates limited commercial uses that primarily serve the principal industrial uses.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the IM district shall comply with the standards in Table 3-20: IM District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-20: IM District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min	n/a	<b>Setbacks, min (ft)<sup>109</sup></b>	
Lot width, min (ft)	n/a	<b>C</b> Front	50
<b>B</b> Height, max (stories)	[1]	<b>D</b> Side	20
Lot coverage, max	50% <sup>110</sup>	<b>E</b> Rear	25

*min = minimum max = maximum ft = feet*

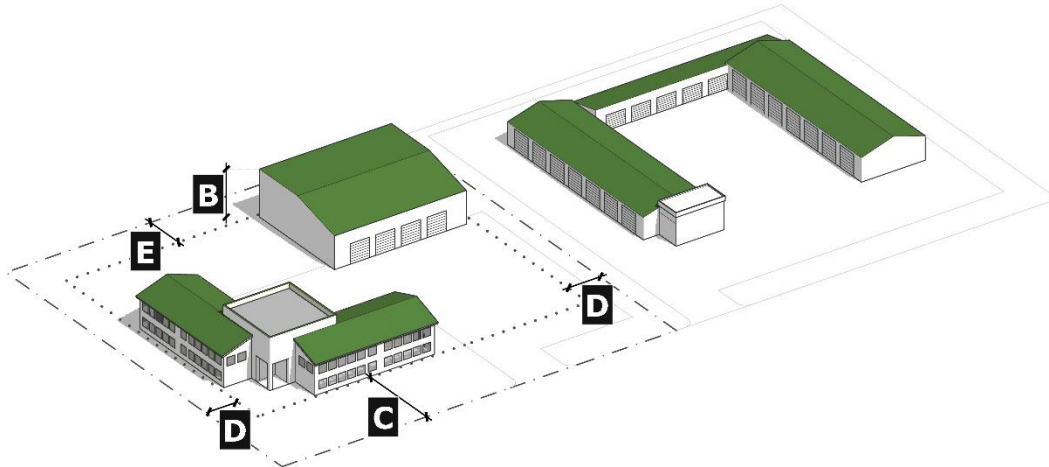
**NOTES:**

[1] Buildings or structures or portions of buildings or structures used, intended, or designed for general human occupancy shall have a maximum height of three stories. Buildings or structures or portions of buildings or structures that are used, intended, or designed for industrial uses that by their nature may require additional height have no maximum height.

<sup>108</sup> This carries forward the M-2: Heavy Industrial district with a new name. The landscaping provisions in Sec. 5.061(e)(4) of the Zoning Resolution are not carried forward. They will be replaced by the general landscaping provisions in Section 5.3, Landscaping Standards. Dimensional standards are unchanged except as noted below.

<sup>109</sup> All setback requirements are new.

<sup>110</sup> Lot coverage restriction is new.



**(D) Development Standards**

Development in the IM district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-21: Cross-References to Other Standards.

**Table 3-21: Cross-References to Other Standards**

Sec.	Standard	Sec.	Standard
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards

**3.3.8. IH: Industrial Heavy<sup>111</sup>**

**(A) Purpose and Intent**

The purpose of the IH: Industrial Heavy district is to provide lands that accommodate the most intense industrial development that is important to the County’s economy but may adversely impact surrounding lands, and to prevent the use of these adjacent lands for uses that are incompatible with intense industrial activities. Only a limited number of industrial uses are allowed in the district.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

**(C) Intensity and Dimensional Standards**

Development in the IH district shall comply with the standards in Table 3-22: IH District Intensity and Dimensional Standards, and Section 3.1.4, General Zone District Standards.

<b>Table 3-22: IH District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot area, min (acres)	5	<b>Setbacks, min (ft)</b>	
<b>A</b> Lot width, min (ft)	150	<b>C</b> Front	200
<b>B</b> Height, max (stories)	[1] <sup>112</sup>	<b>D</b> Side	50
Lot coverage, max	50%	<b>E</b> Rear	50

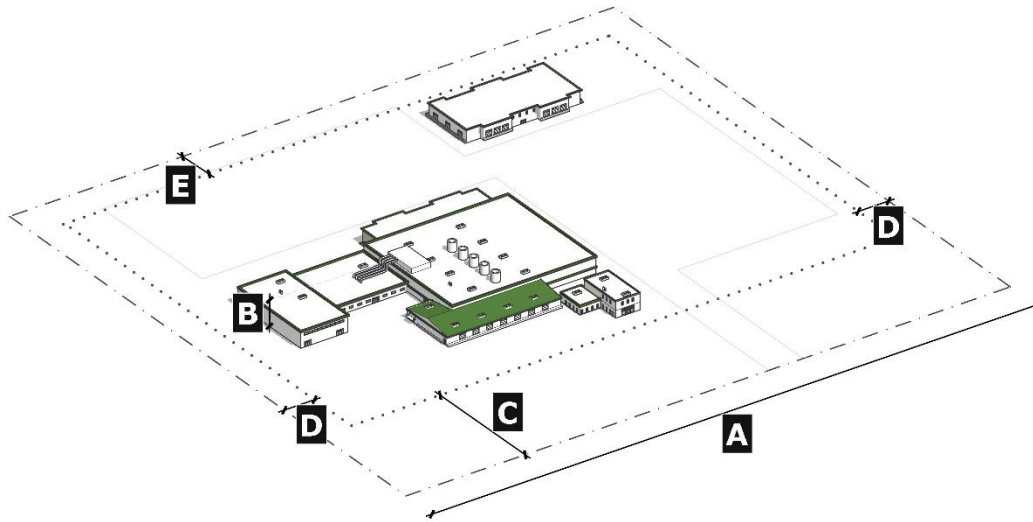
*min = minimum max = maximum ft = feet*

**NOTES:**

[1] Buildings or structures or portions of buildings or structures used, intended, or designed for general human occupancy shall have a maximum height of three stories. Buildings or structures or portions of buildings or structures that are used, intended, or designed for industrial uses that by their nature may require additional height have no maximum height.

<sup>111</sup> This carries forward the M-3: Special Industrial district with a new name. The landscaping provisions in Sec. 5.061(e)(4) of the Zoning Resolution are not carried forward. They will be replaced by the general landscaping provisions in Section 5.3, Landscaping Standards. Dimensional standards are unchanged except as noted below.

<sup>112</sup> The Zoning Resolution limits height in the M-3 district to 3 stories unless greater height is permitted as a Residential PUD in accordance with Section 6.030 of the Zoning Resolution. Because residential uses are prohibited in the M-3 district and because the PD districts are proposed to be separate districts that are not linked to underlying base districts, this provision is not carried forward. The standard from the M-2/IM districts that allow building heights larger than three stories is included as appropriate for the most intense industrial uses intended for this zone district.



**(D) Development Standards**

Development in the IH district shall comply with all applicable standards in the Subdivision Regulations and this Ordinance, including but not limited to the standards referenced in Table 3-23: Cross-References to Other Standards.

**Table 3-23: Cross-References to Other Standards**

Sec.	Standard	Sec.	Standard
5.1	Access and Connectivity Standards	5.8	Agricultural Compatibility Standards
5.2	Off-Street Parking and Loading Standards	5.9	Neighborhood Compatibility Standards
5.3	Landscaping Standards	5.10	Multifamily and Townhouse Form and Design Standards
5.4	Exterior Lighting Standards	5.11	Large Retail Establishment Form and Design Standards
5.5	Open Space Set-Aside Standards	5.12	Sign Standards
5.6	Steep Slope Standards	5.13	Floodplain District Standards
5.7	Fence and Wall Standards	5.14	Environmental Standards

**(E) Additional Standards**

Lots without sanitary sewer service shall have a sewage disposal system approved by TDEC.

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## Section 3.4 Planned Development Districts<sup>113</sup>

### 3.4.1. General Provisions

#### (A) General Purpose of Planned Development Districts

The purpose of Planned Development zone districts is to encourage innovative and efficient land planning, and higher quality physical design concepts. More specifically, the planned development zone districts are intended to:

- (1) Support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and provision of public services;
- (2) Reduce the inflexibility of zone district standards that sometimes results from strict application of the base district regulations and development standards established in this Ordinance;
- (3) Provide greater freedom and flexibility in selecting the form and design of development, the ways by which pedestrians and vehicular traffic circulate, and how the development will be located and designed to respect the natural features of the land and protect the environment, The location and integration of open space and civic space into the development; and design amenities;
- (4) Encourage a mix of different types of land uses within the same development;
- (5) Allow more efficient use of land, with coordinated and right-sized networks of streets and utilities;
- (6) Provide pedestrian connections within the same development, and to the public right-of way;
- (7) Encourage the provision of centrally-located open space amenities within the development;
- (8) Promote development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses; and
- (9) Promote development form that respects and takes advantage of a site's natural and culturally significant features, such as rivers, lakes, wetlands, floodplains, ridges, trees, and culturally significant human-made and historic resources.

#### (B) Classification of Planned Development Zone Districts

Land shall be classified into a Planned Development zone district only in accordance with the procedures and standards in Sec. 2.5.3,Planned Development District Map Amendment, and this Section.

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<sup>113</sup> As discussed in the Code Assessment, the new Planned Development (PD) district replaces the Planned Unit Development districts in Article VI of the Zoning Resolution. The PD district is intended to allow for higher-quality development that cannot be accommodated within the County's base zone districts. Key pieces of a PD district are the PD Plan, which establishes the general parameters of the development, and the PD Agreement, which sets forth the terms and conditions which apply to the development, including conditions of approval and the provision of necessary public facilities. A general PD: Planned Development district is proposed (the PD-TND: Planned Development-Traditional Neighborhood Development district proposed in the Code Assessment has not been included in this draft).

**3.4.2. PD: Planned Development District<sup>114</sup>**

**(A) Purpose and Intent**

The purpose of the Planned Development (PD) District is to encourage integrated master planned development in locations throughout the County. Substantial flexibility is provided, with an expectation that development quality will surpass what is otherwise achievable through the base zone district, and a range of residential and nonresidential uses are allowed. District standards shall support the efficient use of land and resources, protect natural features and the environment, promote greater efficiency in providing public facilities and infrastructure, and mitigate potential adverse impacts on surrounding development.

**(B) Use Standards**

Allowed uses and use-specific standards for principal, accessory, and temporary uses are identified in Article 4: Use Regulations, but only those uses established as permitted in the PD Plan are permitted in the district.

**(C) Development Standards**

Development in the PD district is subject to the standards in Article 5: Development Standards, and Section 3.1.4, General Zone District Standards, except as modified in the PD Plan and PD Agreement in accordance with subsections (E) and (F) below.

**(D) Intensity and Dimensional Standards**

Development in the PD district shall comply with the standards in Table 3-24: PD District Intensity and Dimensional Standards.

<b>Table 3-24: PD District Intensity and Dimensional Standards</b>			
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
PD District area, min	No minimum	<b>Setbacks, min</b>	
Density, max	[1]	<i>Front</i>	[2]
Lot area, min	[2]	<i>Side</i>	[2]
Lot width, min	[2]	<i>Rear</i>	[2]
Height, max	[2]	Height, max	[2]
Lot coverage, max	[2]	Lot coverage, max	[2]

*min = minimum max = maximum*

**NOTES:**

- [1] To be established in PD Plan and PD Agreement, but no greater than two times the maximum density permitted in the existing base zoning district applied to the land that is requested to be rezoned.<sup>115</sup>
- [2] To be established in PD Plan and PD Agreement.

**(E) Planned Development (PD) Plan**

As set forth in Sec. 2.5.3, Planned Development District Map Amendment, a Planned Development (PD) Plan is a required component in the establishment of a planned development district. The PD Plan depicts the general configuration and relationship of the principal elements of the proposed planned development district. The PD Plan shall identify the following:

- (1) The planning and development goals for the planned development district;
- (2) The principal, accessory, and temporary uses permitted in the planned development district and any standards that apply to specific uses in the district. Permitted uses are

<sup>114</sup> The PD: Planned Development district is a new, general-purpose planned development district that replaces the four planned development districts in the current Zoning Resolution. As discussed in the Code Assessment, the new PD district establishes a flexible approval process that encourages innovative higher-quality development that cannot be accommodated in the base zone district and that meets the county's development goals.

<sup>115</sup> This maximum density is new.



limited to those listed as allowed in a PD or PD-TND district, as identified in Table 4-1: Principal Use Table.

- (3) The general location of each development area in the planned development district, its acreage, types, and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- (4) The dimensional standards that apply in the planned development district;
- (5) Where relevant, the standards and requirements that ensure development on the perimeter of the planned development district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;
- (6) The on-site pedestrian circulation system and how it will connect to off-site pedestrian systems, as applicable, consistent with the requirements of this Ordinance and the Subdivision Regulations;
- (7) The general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways and trails), and connect to existing and planned County and municipal systems, consistent with the requirements of this Ordinance and the Subdivision Regulations;
- (8) The general location of on-site potable water facilities and how they will connect to existing water utilities, consistent with the requirements of this Ordinance and the Subdivision Regulations;
- (9) The general location of on-site wastewater facilities, as applicable, including the general location of septic fields, soils areas, or package plants, and how they will connect to any publicly available sanitary sewer service, consistent with the requirements of this Ordinance and the Subdivision Regulations;
- (10) The location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and measures to ensure protection of these lands consistent with the requirements of this Section and this Ordinance;
- (11) The general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD district;
- (12) The general location of on-site storm drainage facilities, and how they will connect to existing and planned County and municipal systems, consistent with the requirements of this Ordinance and the Subdivision Regulations;
- (13) The general location and layout of all other on-site and off-site public facilities serving the development, including but not limited to, parks, schools, and facilities for fire protection, police protection, emergency management, stormwater management, and solid waste management;
- (14) The ways in which the land will be subdivided, and public improvements installed, consistent with the requirements of the Subdivision Regulations.
- (15) The ways in which transportation, potable water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development; and
- (16) Any modifications that will be applied to the development standards in this Ordinance, in accordance with Table 3-25: Development Standards That May Be Modified. Each such modification shall be documented in the PD Plan and the PD Agreement, with a clear basis for why the change is needed, how it supports the purpose of the planned development district, and how it supports high-quality development.

**Table 3-25: Development Standards That May Be Modified**

Standard	Means to Modify
Section 5.1 Access and Connectivity Standards	PD Plan and PD Agreement

<b>Table 3-25: Development Standards That May Be Modified</b>		
<b>Standard</b>		<b>Means to Modify</b>
Section 5.2	Off-Street Parking and Loading Standards	PD Plan and PD Agreement
Section 5.3	Landscaping Standards	PD Plan and PD Agreement
Section 5.4	Exterior Lighting Standards	PD Plan and PD Agreement
Section 5.5	Open Space Set-Aside Standards	Modification prohibited
Section 5.6	Steep Slope Standards	Modification prohibited
Section 5.7	Fence and Wall Standards	PD Plan and PD Agreement
Section 5.8	Agricultural Compatibility Standards	PD Plan and PD Agreement
Section 5.9	Neighborhood Compatibility Standards	PD Plan and PD Agreement
Section 5.10	Multifamily and Townhouse Form and Design Standards	PD Plan and PD Agreement
Section 5.11	Large Retail Establishment Form and Design Standards	PD Plan and PD Agreement
Section 5.12	Sign Standards	PD Plan and PD Agreement
Section 5.13	Floodplain District Standards	Modification prohibited
Section 5.14	Environmental Standards	Modification prohibited
	Subdivision Regulations	PD Plan and PD Agreement

(17) If development in a planned development district is proposed to be phased, a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private), open space, and other amenities will be provided, and how development will be coordinated with the County’s and state’s capital improvements programs, and how environmentally sensitive lands will be protected and monitored.

(18) If applicable, a conversion schedule that identifies the extent to which one use may be converted to another type of use, and any applicable criteria.

**(F) Planned Development (PD) Agreement**

(1) A Planned Development (PD) Agreement is also a key component in the establishment of a planned development district. The PD Agreement includes all terms and conditions relating to the approval of the district, including monitoring rules, phasing rules (where applicable), requirements for how mitigation will occur, and how public facilities will be coordinated. A PD Agreement shall include, but not be limited to:

- (a) Conditions related to approval of the application for the individual PD district classification;
- (b) Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;
- (c) Provisions addressing how public facilities (pedestrian and bicycle, other transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:
  - 1. Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable County, state, and federal regulations; and
  - 2. The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable County, state, and federal regulations.
- (d) Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);

- (e) Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual PD zone district;
  - (f) Any other provisions the County determines are relevant and necessary to the development of the Planned Development district.
- (2) All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

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## Section 3.5 Overlay Districts<sup>116</sup>

### 3.5.1. General Provisions

#### (A) Purpose

The purpose of overlay districts is to provide supplemental standards with respect to special areas, land uses, or environmental features that are in addition to, or in some cases take the place of, the standards of the underlying base district or planned development district.

#### (B) Relation to Other District Standards

- (1) The overlay district requirements in this Section shall be applied in addition to all applicable base district or planned development district requirements. Where there is a conflict between an overlay district standard and a standard otherwise applicable in the underlying base or planned development district, the overlay district standard shall control, unless specifically stated to the contrary in this Ordinance.
- (2) Where land falls within two or more overlay district boundaries, the standards of each of the overlay districts apply. If there is a conflict between the applicable overlay district standards, the more restrictive standard shall control. The more restrictive standard is the one that imposes greater restrictions or burdens or has more stringent controls.

#### (C) Established Overlay District

The overlay districts established by this Ordinance are the FP-O Floodplain Overlay district, defined in Section 3.5.2, FP-O: Floodplain Overlay District, and the SW-O: Solid Waste Overlay district, defined in Section 3.5.3, SW-O: Solid Waste Overlay District.

### 3.5.2. FP-O: Floodplain Overlay District

#### (A) Purpose

The purpose of the FP-O: Floodplain Overlay district is to identify lands within Special Flood Hazard Areas or Special Hazard Areas (as defined in Sec. 5.13.7, Definitions, Floodplain Definitions), that are subject to the regulations in Section 5.13, Floodplain District Standards.

#### (B) Standards

The regulations in Section 5.13, Floodplain District Standards, apply to lands within the FP-O district.

### 3.5.3. SW-O: Solid Waste Overlay District

#### (A) Purpose

The purpose of the SW-O: Solid Waste Overlay district is to provide locations where private landfills can locate subject to standards to help mitigate negative impacts on surrounding properties and sensitive environmental features.

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<sup>116</sup> This is a new section that establishes the framework for overlay districts. It provides supplemental standards that apply in addition to or instead of standards in the base zone district. Two overlay districts are proposed—the floodplain overlay district that establishes the applicability of the regulations in Section 5.13, Floodplain District Standards, to land within Special Flood Hazard Areas, and the solid waste overlay district limits the location for facilities like landfills (see Section 4.2.3, Principal Use Table, for uses only permitted in the SW-O district).



# Article 4: Use Regulations

## Commentary on Draft:

**Article 4: Use Regulations**, consolidates regulations for principal, accessory, and temporary uses. It includes use tables that identify which uses are allowed in what zone districts. It also includes general standards that apply to all uses of a certain category, and use-specific standards that apply to particular uses (sometimes in particular districts)

**Section 4.1, General Provisions**, provides an overview of the article.

**Section 4.2, Principal Uses**, consolidates, reorganizes, and refines the multiple lists of permitted uses in the current Zoning Resolution. Certain uses are consolidated, other uses added, and a new three-tiered organization implemented. All uses are defined, including uses carried forward from the current Zoning Resolution. The revised use table lists principal uses and indicate whether they are permitted by right, require a special exception, are allowed in planned development districts, or are prohibited. The table also includes references to use-specific standards applicable to specific uses. This section also consolidates and organizes standards that apply to specific principal uses.

**Section 4.3, Accessory Uses and Structures**, consolidates and enhances the existing accessory use and structure regulations. It includes use tables for accessory uses and structures organized in a similar manner as the principal use tables, provides general standards for all accessory uses and structures, and standards, and describes standards that apply to specific accessory uses and structures.

**Section 4.4, Temporary Uses and Structures**, consolidates the existing regulations for temporary uses and structures and adds new temporary uses and structures and corresponding standards. It includes a use table that identifies temporary uses and structures and the zone districts where they are allowed, allowed with a temporary use permit, and prohibited. It also includes general standards for all temporary uses and structures, and standards that apply to specific temporary uses and structures.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 4.1 Organization of Article

This article is organized into three sections:

- 4.1.1. Section 4.2, Principal Uses, identifies the principal uses of land that are allowed in the various zone districts and the type of permit or review, if any, required to establish them. It also establishes special standards applicable to particular principal uses.
- 4.1.2. Section 4.3, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses in the various zone districts and the type of permit or review, if any, required to establish them. It also establishes general standards applicable to all accessory uses and structures, and special standards applicable to particular accessory uses and structures.
- 4.1.3. Section 4.4, Temporary Uses and Structures, identifies land uses or structures allowed on a temporary basis, establishes general standards applicable to all temporary uses and structures, and special standards that apply to particular temporary uses and structures.

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## Section 4.2 Principal Uses

### 4.2.1. General

Table 4-1: Principal Use Table, identifies principal uses of land and specifies whether they are allowed by right, allowed subject to approval of a special exception permit, or prohibited within each zone district. It also references use-specific standards in Section 4.2.4, Standards Specific to Principal Uses, that are applicable to specific uses.

### 4.2.2. Classification of Principal Uses

#### (A) Purpose

This section is intended to provide a framework for identifying, describing, categorizing, consolidating, and distinguishing uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a use listed as an allowable principal use in the use table in Table 4-1: Principal Use Table, or is subject to other use-specific provisions in this Ordinance.

#### (B) Structure of Principal Use Classification System

The following three-tiered hierarchy of use classifications, use categories, and use types is used to organize allowable uses in Table 4-1: Principal Use Table, and the use-specific standards in Section 4.2.4, Standards Specific to Principal Uses.

##### (1) Use Classifications

Use Classifications are very broad and general (e.g., Residential Uses, Civic/Institutional Uses, Commercial Uses, and Industrial Uses). Use classifications are defined in Section 8.4, Principal Use Classification and Definitions.

##### (2) Use Categories

Use Categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial Uses classification is divided into multiple use categories, like Lodging and Retail Sales and Services. Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions—i.e., those uses that might appear to fall within the use category, but are included in another use category. Use categories are defined in Section 8.4, Principal Use Classification and Definitions.

##### (3) Use Types

Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, car wash and light vehicle sales are use types within the Vehicle-Related Uses category. Use types are defined in Section 8.5, Definitions.

### 4.2.3. Principal Use Table

#### (A) Organization and Applicability

Table 4-1: Principal Use Table, organizes allowable uses by use classifications, use categories, and use types as described in Section 4.2.2 above. The use table provides a systematic basis for identifying and consolidating uses. Definitions of the principal use classifications and use categories are included in Section 8.4, Principal Use Classification and Definitions. Definitions of use types are included in Section 8.5, Definitions.

#### (B) Explanation of Table and Abbreviations

For each listed use type in Table 4-1: Principal Use Table, the first column of each row identifies the name of the use type. The entries in the cells formed by the intersection of a zone district



column labeled across the top and a use type row indicate whether a use is permitted in a particular zone district, as follows:

**(1) Principal Uses Permitted By-Right**

- (a) “P” in a cell other than a PD district column indicates that the use is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
- (b) “A” in a cell in a PD district column means that the use is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.4.2(E), Planned Development (PD) Plan, and Section 3.4.2(F), Planned Development (PD) Agreement.

**(2) Principal Uses Permitted as a Special Exception**

“S” in a cell indicates that the use is allowed in the zone district upon approval of a special exception permit in accordance with Sec. 2.5.4, Special Exception Permit. Uses requiring a special exception permit are subject to all other applicable requirements of this Ordinance.

**(3) Principal Uses Only Permitted in Solid Waste Overlay District**

“W” in a cell indicates that the use is allowed in a zone district only on land that also is within the SW-O: Solid Waste Overlay district, subject to any use-specific standards referenced in the right-most column in that row.

**(4) Prohibited Uses**

A blank cell indicates that the use is prohibited in the zone district.

**(5) Use-Specific Standards**

A particular use may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.2.4, Standards Specific to Principal Uses, that apply to the use listed in the left-most column.

**(C) Unlisted Uses**

The Director shall determine whether or not any use not explicitly listed in Table 4-1: Principal Use Table, is part of an existing use category or use type in accordance with Sec. 8.2.9, Interpretation of Unlisted Uses.

**(D) Principal Use Table**

The principal use table is established in Table 4-1: Principal Use Table.

<b>Table 4-1: Principal Use Table</b>													
P = Permitted				A = Allowed in PD				S = Special Exception				Use-Specific Standards	
W = Permitted Only In SW-O District				Blank = Not Permitted									
Use Category/Type	Zone Districts												
	Residential				Commercial				PD				
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD	
<b>Agriculture<sup>117</sup></b>													
<b>Agricultural Cultivation</b>													
Agricultural operation <sup>118</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A

<sup>117</sup> Permissions for agriculture uses are “P” for all districts in accordance with state law.

<sup>118</sup> This renames and consolidates the use described as “Agricultural and forestry uses and their accessory structures, as defined in ARTICLE I” and the uses “Fisheries and related services” and “Animal

<b>Table 4-1: Principal Use Table</b>														
		<b>P = Permitted</b>				<b>A = Allowed in PD</b>				<b>S = Special Exception</b>				
		<b>W = Permitted Only In SW-O District</b>				<b>Blank = Not Permitted</b>								
<b>Use Category/Type</b>	<b>Zone Districts</b>												<b>Use-Specific Standards</b>	
	<b>Residential</b>				<b>Commercial</b>									<b>PD</b>
	<b>AP</b>	<b>RR</b>	<b>RG</b>	<b>RN</b>	<b>CRC</b>	<b>CN</b>	<b>CC</b>	<b>COR</b>	<b>IL</b>	<b>IM</b>	<b>IH</b>	<b>PD</b>		
Forestry <sup>119</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
Nursery <sup>120</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
Tree farm <sup>121</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
<b>Agriculture Support and Services, Directly Related</b>														
Agri-education or agri-tourism <sup>122</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
Auction barn and livestock storage <sup>123</sup>											P		A	
Equestrian facility <sup>124</sup>	P												A	
Farm winery <sup>125</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	4.2.4(A)(1)
Roadside agriculture sales <sup>126</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	4.2.4(A)(2)
<b>Agriculture Support and Services, Not Directly Related</b>														
Agricultural distribution hub <sup>127</sup>							P	P					A	
Agricultural processing <sup>128</sup>										P	P		A	
<b>Animal Agriculture</b>														
Commercial feed lot <sup>129</sup>											P		A	
<b>Residential</b>														
<b>Household Living</b>														
Dwelling, single-family detached <sup>130</sup>	P	P	P	P	P								A	
Dwelling, townhouse <sup>131</sup>			P	P	P	P							A	

husbandry services including veterinarian services, animal hospital services and poultry hatchery services” permitted in A-1, A-2, and A-2A districts.

<sup>119</sup> This carries forward and renames the use “Forestry activities and related services” permitted in the A-1, A-2, and A-2A districts.

<sup>120</sup> This is a new use.

<sup>121</sup> This is a new use.

<sup>122</sup> This is a new use.

<sup>123</sup> This is a use that consolidates the “Auction barns and auction yards” (permitted as a special exception in C-2 and C-3) and “Livestock, sales, or feeding yards” uses (permitted as a special exception in C-1).

<sup>124</sup> This is a new use.

<sup>125</sup> This carries forward the existing use, permitted in all districts except R-2.

<sup>126</sup> This carries forward the use named “One roadside stand for the sale of agriculture or forestry products produced on the premises, provided that such stand does not exceed an area of three hundred (300) square feet and that it is located not nearer than thirty-five (35) feet from the roadway,” permitted in the A-1 district.

<sup>127</sup> This is a new use.

<sup>128</sup> This renames the use described as “Agricultural processing including cotton ginning and compressing, corn shelling, hay baling and threshing services,” permitted in the A-1, A-2 and A-2A districts.

<sup>129</sup> This carries forward the “Commercial feed lots which comply with all applicable state and federal laws” use which is permitted as a special exception in the A-1 district.

<sup>130</sup> This carries forward the use permitted in the A-1, A-2, A-2A, R-1, R-2, and C-1 districts, and in the C-2 district as a special exception.

<sup>131</sup> This carries forward the use permitted in the R-2 district.

<b>Table 4-1: Principal Use Table</b>														
P = Permitted      A = Allowed in PD      S = Special Exception W = Permitted Only In SW-O District      Blank = Not Permitted														
Use Category/Type	Zone Districts												Use-Specific Standards	
	Residential				Commercial						PD			
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD		
Dwelling, two-family (duplex) <sup>132</sup>			P	P	P								A	
Dwelling, mobile home <sup>133</sup>	P				P								A	4.2.4(B)(1)
Dwelling, multifamily <sup>134</sup>						P							A	
Mobile home park <sup>135</sup>							S						A	4.2.4(B)(2)
<b>Group Living</b>														
Assisted living facility <sup>136</sup>					P		P	P					A	4.2.4(B)(3)
Group home <sup>137</sup>	P	P	P	P	P	P							A	
Retirement community <sup>138</sup>			S	S										
Retirement facility <sup>139</sup>					P		S						A	
Rooming house <sup>140</sup>					P								A	
<b>Civic and Institutional</b>														
<b>Community and Cultural Facilities</b>														
Child care center <sup>141</sup>					P	P	P	P	P	S	S		A	4.2.4(C)(1)
Child care home, family <sup>142</sup>	P	P	P	P	P	P							A	4.2.4(C)(2)
Child care home, group <sup>143</sup>		P	P	P	P								A	4.2.4(C)(3)
Community center <sup>144</sup>	S				P	P							A	
Conference center <sup>145</sup>							P	P		S			A	

<sup>132</sup> This carries forward the use permitted in the A-1, A-2, A-2A, R-1, R-2, and C-1 districts, and in the C-2 district as a special exception

<sup>133</sup> This carries forward the use permitted as a special exception in the R-2 and C-1 districts.

<sup>134</sup> This carries forward the “Apartment dwellings” use permitted in the R-2 district that is permitted as a special exception in the C-1 district.

<sup>135</sup> This carries forward the use permitted as a special exception in the R-2 and C-1 districts.

<sup>136</sup> This is a new use.

<sup>137</sup> This is a new use. Per state law, it must be permitted by right or as a special exception in the same zone districts as the single-family detached dwelling use.

<sup>138</sup> **NOTE TO STAFF:** This is a new use that was added following discussion by the Planning Commission subcommittee, and we will need to discuss how this use should be defined and how it should be distinguished from the Retirement facility use.

<sup>139</sup> This is a new use.

<sup>140</sup> This renames the “Rooming and boardings houses” use permitted in the R-1 and R-2 districts.

<sup>141</sup> This carries forward the use permitted in the C-1, C-2, and M-1 districts, and permitted as a special exception in the M-2 district.

<sup>142</sup> This renames the “Family Day Care Home” use which is permitted as a “customary home occupation” in the A-1, A-2, and A-2A districts.

<sup>143</sup> This renames the “Group Day Care Home” use which is permitted in the C-1 district, and permitted as a special exception in the A-1, A-2, A-2A, R-1, and C-2 districts.

<sup>144</sup> This is a new use, based on the existing use “Governmental buildings and community centers,” permitted in the C-1 district, and as a special exception in the A-2, A-2A, R-2, and C-2 districts.

<sup>145</sup> This renames the use “Conference centers with attendant lodging facilities for students enrolled in and instructors employed by educational and research institutions and for visitors to such facilities and to Maury County” and provides a more general definition; permitted in the M-1 district and as a special exception in the M-2 district.

**Table 4-1: Principal Use Table**  
P = Permitted      A = Allowed in PD      S = Special Exception  
W = Permitted Only In SW-O District      Blank = Not Permitted

Use Category/Type	Zone Districts													Use-Specific Standards
	Residential				Commercial							PD		
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD		
Cultural institution <sup>146</sup>					P	P	P	P		S		A		
Event venue <sup>147</sup>							P	P		S		A	4.2.4(C)(4)	
Government facility <sup>148</sup>					P	P	P	P	P	P	P	A		
Place of assembly <sup>149</sup>	P	P	P	P	S	P	P	P	P	P	P	A		
Public safety facility <sup>150</sup>	P	P	P	P	P	P	P	P	P	P	P	A		
Religious facility <sup>151</sup>	P	P	P	P		P	P	P	P	P	P	A		
<b>Educational Facilities<sup>152</sup></b>														
College or university								S	S			A		
School, k-12		S	P	P	P		P	P	P	S		A		
School, vocational							P	P		S		A		
<b>Funeral Services</b>														
Crematory <sup>153</sup>										S	P	A		
Funeral home <sup>154</sup>					S		P	P				A		
<b>Health Care Services</b>														
Hospital <sup>155</sup>									P	P		A		
Medical or dental office or clinic <sup>156</sup>					P	P	P	P	P	P		A		
Nursing home <sup>157</sup>					P		P	P				A		
Rehabilitation center <sup>158</sup>									P	P		A		

<sup>146</sup> This is a new use

<sup>147</sup> This carries forward the use permitted in the C-2 district, and permitted as a special exception in the A-1, A-2, and A-2A districts.

<sup>148</sup> This is a new use, based on the existing use “Governmental buildings and community centers,” permitted in the C-1 district, and as a special exception in the A-2, A-2A, R-2, and C-2 districts.

<sup>149</sup> This renames the use “Other Places of Assembly,” permitted in the M-1 district, and permitted as a special exception in the M-2 district.

<sup>150</sup> This is a new use.

<sup>151</sup> This replaces several other uses, including “Churches and other places of assembly” and “Churches, Places of Worship or other places of assembly,” which are permitted in the C-1 and C-2 districts, and permitted as a special exception in the A-1, A-2, A-2A, and R-1 districts.

<sup>152</sup> The use types in the “Educational Services” category build on the “Schools, libraries, and fire stations” use, permitted in the A-2 and A-2A districts; the “Schools, colleges, and libraries” use permitted as a special exception in the A-2 and A-2A districts; the “Educational institutions” use permitted in the C-1 district; and as a special exception in the A-1 and R-2 districts; and the “Educational services” use permitted in the C-2 district.

<sup>153</sup> This is a new use.

<sup>154</sup> This builds on the “Mortuaries” and “Funeral parlors” uses permitted in the C-2 district and as a special exception in the C-1 district.

<sup>155</sup> This is a new use that was part of the “Medical facilities” definition.

<sup>156</sup> This consolidates and renames the uses “Medical facilities,” “Doctors and dental offices,” and “Medical facilities, including doctors or dental offices,” with a variety of permissions in the A-1, A-2, A-2A, C-1 and C2 districts.

<sup>157</sup> This is a new use that was part of the “Medical facilities” definition.

<sup>158</sup> This is a new use.

<b>Table 4-1: Principal Use Table</b>														
	P = Permitted			A = Allowed in PD			S = Special Exception			W = Permitted Only In SW-O District				Blank = Not Permitted
Use Category/Type	Zone Districts												Use-Specific Standards	
	Residential				Commercial						PD			
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD		
<b>Parks and Open Areas</b>														
Cemetery <sup>159</sup>	P	S	S	S	S	S	S	S	S				A	4.2.4(C)(5)
Community garden <sup>160</sup>		P	P	P	P	P	P	P	P				A	
Country club <sup>161</sup>		S	S	S	S		P		S				A	
Public park <sup>162</sup>	P	P	P	P	P	P	P	P	P	P	P		A	
<b>Transportation and Utility Facilities</b>														
Airport, Private <sup>163</sup>													A	4.2.4(C)(6)
Airport, Public <sup>164</sup>										S			A	4.2.4(C)(6)
Communications tower and equipment <sup>165</sup>	P	P	P	P	P	P	P	P	P	P	P		A	4.2.4(C)(7)
Decentralized wastewater treatment and disposal system	P	P	P	P	P	P	P	P	P	P	P			
Parking facility <sup>166</sup>					P	P	P	P	P	P	P		A	
Solar energy conversion system, large-scale <sup>167</sup>	P						P	P	P	S	S		A	4.2.4(C)(8)
Utility, major <sup>168</sup>										P	P		A	4.2.4(C)(10)
Utility, minor <sup>169</sup>	P	P	P	P	P	P	P	P	P	P	P		A	
Wind energy facility, large <sup>170</sup>	S									S	S		A	4.2.4(C)(11)
<b>Commercial</b>														
<b>Adult Business</b>														
Adult-oriented establishment <sup>171</sup>								S			S			4.2.4(D)(1)

<sup>159</sup> This is carried forward from the use “Churches, Places of Worship or other places of assembly; cemeteries,” permitted as a special exception in the A-1 district.

<sup>160</sup> This is a new use.

<sup>161</sup> This carries forward the existing defined use which was not explicitly permitted in any zone district.

<sup>162</sup> This is a new use.

<sup>163</sup> This carries forward the “Private Airports, Landing Strips, and Heliports” use, permitted as a special exception in the A-1 district.

<sup>164</sup> This is a new use.

<sup>165</sup> This carries forward the “Communication services and communication equipment installation” use permitted in the M-1 district and permitted as a special exception in the A-1, A-2, A-2A, M-2, and M-3 districts.

<sup>166</sup> This renames the “Commercial parking lots or parking decks” use permitted as a special exception in the C-2 and C-3 districts.

<sup>167</sup> This is a new use.

<sup>168</sup> This is a new use that consolidates multiple general utility uses that may have a significant impact on nearby properties.

<sup>169</sup> This is a new use that consolidates multiple general utility uses that have a minimal impact on nearby properties.

<sup>170</sup> This is a new use.

<sup>171</sup> This renames the “Adult bookstores, movie houses, and places of live entertainment” use, permitted as a special exception in the C-2 and C-3 districts.

<b>Table 4-1: Principal Use Table</b>														
P = Permitted      A = Allowed in PD      S = Special Exception W = Permitted Only In SW-O District      Blank = Not Permitted														
Use Category/Type	Zone Districts												Use-Specific Standards	
	Residential				Commercial						PD			
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD		
<b>Animal Care Uses</b>														
Animal grooming <sup>172</sup>					P	P	P	P					A	
Animal kennel, small <sup>173</sup>					P		P	P					A	4.2.4(D)(2)
Animal kennel, large <sup>174</sup>								P	P				A	4.2.4(D)(2)
Veterinary hospital <sup>175</sup>					S		P	P	P				A	
<b>Food and Beverage Services</b>														
Bar or tavern <sup>176</sup>						P	P	P	P				A	4.2.4(D)(3)
Restaurant, drive-in <sup>177</sup>						S	P	P	P				A	
Restaurant, sit-down <sup>178</sup>						P	P	P	P				A	
<b>Lodging</b>														
Bed and breakfast homestay <sup>179</sup>													A	4.2.4(D)(4)
Campground <sup>180</sup>					S								A	
Hotel and motel <sup>181</sup>							P	P	P				A	
Travel trailer park <sup>182</sup>					S								A	4.2.4(D)(5)
<b>Office</b>														
Contractor's yard <sup>183</sup>							P	P	P	P			A	
Data center <sup>184</sup>							P	P	P	P			A	

<sup>172</sup> This is a new use.

<sup>173</sup> This is adapted from the “Kennels or animal hospitals” use, permitted as a special exception in the C-1 district. The size distinction is new.

<sup>174</sup> This is adapted from the “Kennels or animal hospitals” use, permitted as a special exception in the C-1 district. Size distinction is new.

<sup>175</sup> This renames the “Animal hospitals” and “Kennels or animal hospitals” uses, permitted in the M-1 district and as a special exception in the C-1 and M-2 districts.

<sup>176</sup> This renames the use “Tavern or bars” permitted as a special exception in the C-2 and C-3 districts.

<sup>177</sup> This carries forward the existing use which is also listed as “Drive-in commercial establishments,” which is permitted as a special exception in the C-1 district.

<sup>178</sup> This renames the “Restaurant” use, permitted in the C-1 and C-2 districts.

<sup>179</sup> This carries forward the existing use, permitted as a special exception in the A-1, A-2, A-2A and C-1 districts.

<sup>180</sup> This renames the “Camping ground” use which is not listed as a permitted use.

<sup>181</sup> This renames the “Hotels, motels, and tourist courts” use which is permitted in the C-2 district.

<sup>182</sup> This carries forward the existing use, permitted as a special exception in the A-1, A-2, and C-1 districts.

<sup>183</sup> This consolidates the “Road or building contractor's equipment storage building or repair facilities, except temporary facilities on the site of construction project,” permitted as a special exception in the C-2 and C-3 districts, and “Contract construction services; except as restricted by Subsection ‘d’ (below)” uses, permitted in the C-2 district.

<sup>184</sup> This renames the “Data processing and computer centers, including service and maintenance of electronic data processing equipment” use, permitted in the M-1 district and permitted as a special exception in the M-2 district.

<b>Table 4-1: Principal Use Table</b>													
P = Permitted      A = Allowed in PD      S = Special Exception W = Permitted Only In SW-O District      Blank = Not Permitted													
Use Category/Type	Zone Districts												Use-Specific Standards
	Residential				Commercial						PD		
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD	
General office <sup>185</sup>					P	P	P	P	P	S		A	
Research and development <sup>186</sup>							P	P	P	P		A	
<b>Recreation and Entertainment</b>													
Amphitheater <sup>187</sup>							S	S				A	4.2.4(D)(6)
Recreation, indoor <sup>188</sup>					P	P	P	P	S	S	S	A	
Recreation, outdoor <sup>189</sup>	S						P	P	S	S	S	A	
Stables <sup>190</sup>	P	S	S	S								A	
Theater <sup>191</sup>							P	P				A	
<b>Retail Sales and Services</b>													
Agricultural equipment sales, rental, and service <sup>192</sup>							P	P		P	P	A	
Bank and financial institution <sup>193</sup>					P	P	P	P	P	S		A	
Convenience store <sup>194</sup>					P	P	P	P	P	S	S	A	
Liquor store <sup>195</sup>							P	S				A	
Massage therapy establishment <sup>196</sup>					P	P	P	P	P			A	
Personal repair establishment <sup>197</sup>					P	P	P	P	P	S		A	
Personal services establishment <sup>198</sup>					P	P	P	P	P	S		A	

<sup>185</sup> This consolidates several uses, including “Business services,” “Professional services,” (both of which are permitted in the C-2 district), “Professional offices, including medical offices and clinics and office buildings” (permitted in the M-1 district and permitted as a special exception in the M-2 district), and “Finance, insurance and real estate services” (permitted in the C-2 district).

<sup>186</sup> This renames the “Uses associated with the functions of education, research, design, technical training and experimental product development when conducted wholly within a completely enclosed building” use, permitted in the M-1 district and permitted as a special exception in the M-2 district.

<sup>187</sup> This is a new use.

<sup>188</sup> This is a new use.

<sup>189</sup> This consolidates a variety of different commercial uses, including “Commercial animal parks or amusement parks,” “Commercial recreation uses; except as restricted by Subsection ‘d’ (below),” “Horse and dog racetracks, automobile racetracks, motorcycle or moped racetracks, midget bike parks and similar facilities,” and “Open space recreational uses such as golf courses and ball diamonds,” permitted in a variety of districts.

<sup>190</sup> This renames the “Riding stables and kennels” use, permitted as a special exception in the A-2 and A-2A districts.

<sup>191</sup> This is a new use.

<sup>192</sup> This is a new use.

<sup>193</sup> This is a new use.

<sup>194</sup> This is a new use.

<sup>195</sup> This renames the “Liquor, wine, and beer stores” use, permitted as a special exception in the C-2 and C-3 districts.

<sup>196</sup> This renames the “Massage parlors” use, permitted as a special exception in the C-2 and C-3 districts.

<sup>197</sup> This renames the “Repair services; except as restricted by Subsection “d” (below)” use, permitted in the C-2 district.

<sup>198</sup> This renames the “Personal services” use, permitted in the C-2 district.



<b>Table 4-1: Principal Use Table</b>													
	<b>P = Permitted</b>			<b>A = Allowed in PD</b>			<b>S = Special Exception</b>						
	<b>W = Permitted Only In SW-O District</b>						<b>Blank = Not Permitted</b>						
<b>Use Category/Type</b>	<b>Zone Districts</b>												<b>Use-Specific Standards</b>
	<b>Residential</b>				<b>Commercial</b>						<b>PD</b>		
	<b>AP</b>	<b>RR</b>	<b>RG</b>	<b>RN</b>	<b>CRC</b>	<b>CN</b>	<b>CC</b>	<b>COR</b>	<b>IL</b>	<b>IM</b>	<b>IH</b>	<b>PD</b>	
Retail sales establishment, small <sup>199</sup>					P	P	P	P	P	S	S	A	
Retail sales establishment, medium							P	P	P	S		A	
Retail sales establishment, large							S	P	S	S		A	
<b>Vehicle-Related Uses</b>													
Car wash <sup>200</sup>					P		P	P	P			A	
Fleet fuel depot <sup>201</sup>										P	P	A	4.2.4(D)(7)
Gas station <sup>202</sup>					S		P	P	S			A	4.2.4(D)(8)
Light vehicle rental <sup>203</sup>							P	P	P			A	
Light vehicle repair <sup>204</sup>					P		P	P	P			A	
Light vehicle sales <sup>205</sup>								P	P			A	
Travel trailer rental <sup>206</sup>					P		P	P	P			A	
<b>Industrial</b>													
<b>Extraction</b>													
Mining <sup>207</sup>								S	S			A	
<b>Manufacturing and Processing</b>													
Brewery <sup>208</sup>										S	P	A	4.2.4(E)(1)
Distillery <sup>209</sup>										S	P	A	4.2.4(E)(1)
Manufacturing, artisanal <sup>210</sup>							P	P		P	P	A	
Manufacturing, heavy <sup>211</sup>											P	A	

<sup>199</sup> This consolidates a number of different retail uses under the term “Retail trade,” permitted in the C-2 district, as well as the “Neighborhood shopping facilities” use, permitted as a special exception in the A-1 and A-2 districts.

<sup>200</sup> This is a new use.

<sup>201</sup> This is a new use.

<sup>202</sup> This renames the “Gasoline service station” use permitted in the C-2 district as well as, in part, the “Service stations and automobile repair establishments” use permitted in the C-1 district and permitted as a special exception in the C-2 district.

<sup>203</sup> This is a new use.

<sup>204</sup> This renames the “Motor vehicle body repair facilities for vehicle undercoating, painting, tire recapping, engine rebuilding, motor vehicle dismantling” use, permitted as a special exception in the C-2 and C-3 districts.

<sup>205</sup> This is a new use.

<sup>206</sup> This renames the “Trailer rental and leasing activities” use, permitted as a special exception in the C-2 and C-3 districts.

<sup>207</sup> This carries forward the “Above ground quarry or mining activities, except temporary activities on the site of construction projects” use, permitted as a special exception in the C-3 district.

<sup>208</sup> This carries forward the existing use, permitted in the M-1 and M-2 districts and permitted as a special exception in the C-3 district.

<sup>209</sup> This carries forward the existing use, permitted in the M-1 and M-2 districts and permitted as a special exception in the C-3 district.

<sup>210</sup> This is a new use.

<sup>211</sup> This is a new use that accommodates manufacturing activities that may have significant external impacts as well as existing uses including “Manufacturing and assembly uses relating to the manufacture

<b>Table 4-1: Principal Use Table</b>													
P = Permitted      A = Allowed in PD      S = Special Exception W = Permitted Only In SW-O District      Blank = Not Permitted													
Use Category/Type	Zone Districts												Use-Specific Standards
	Residential				Commercial						PD		
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD	
Manufacturing, light <sup>212</sup>										P	P	A	
Slaughterhouse <sup>213</sup>											P	A	
Winery <sup>214</sup>							P	P		S	P	A	4.2.4(E)(1)
<b>Freight and Warehousing</b>													
Cold storage plant <sup>215</sup>										P	P	A	
Junk or salvage yard <sup>216</sup>							S				S	A	4.2.4(E)(2)
Self storage <sup>217</sup>							P	P	S	S	S	A	
Truck terminal <sup>218</sup>										P	P	A	
Warehouse <sup>219</sup>							S			P	S	A	

and assembly of transportation equipment (including aircraft, motor vehicles, boats and rail transport equipment). Manufacturing and assembly plants are permitted which include the following uses operated in connection with such manufacturing and assembly operations: mining and quarrying and the operation of cement batch or asphalt plant when these activities are conducted on a temporary basis in conjunction with the construction of a manufacturing or assembly facility; ore smeltery establishments; foundries; and plastic forming facilities” uses (permitted in the M-2 district), “Tanneries, slaughterhouses, or rendering factories” uses (permitted as a special exception in the C-2 and C-3 districts), and “Uses such as smelting plants (except as allowed by Paragraph b. of Subsection 5.062), fat rendering, inflammable liquids storage, and manufacturing of acids, uses, tanneries, slaughter houses, glue factories, oil refineries, soap factories, artificial gas manufacture, rubber manufacture, fertilizer manufacture, mining and quarrying, the operation of a cement batch or asphalt plant except where such operation is conducted on a temporary basis in conjunction with the construction of a manufacturing or assembly facility, heavy repair, dismantling industry, scrap yards, and similar uses” (permitted as a special exception in the M-3 district).

<sup>212</sup> This is a new use that accommodates manufacturing activities that generally operate in indoor facilities and have limited external impacts including “Enclosed industrial uses such as the manufacture and/or cleaning of textiles and apparel, fabrication and assembly of small machinery, and parts, accessories and equipment for transportation equipment including automobiles and other products of metal, wood or other materials, baker, carpenter’s shop, machine shop, printing, bottling works, and similar uses” (permitted in the M-1 district and as a special exception in the M-2 district), “Ice manufacture or cold storage” use (permitted in the M-1 district and as a special exception in the M-2 district), and “Manufacturing and processing industries generally with the exception of those specifically or by implication otherwise classified in Section 5.063” use (permitted in the M-2 district).

<sup>213</sup> This is a new use.

<sup>214</sup> This is an existing use permitted in the R-2 district, and permitted (as a consolidated “Farm winery and winery” use) in the A-1, C-2, M-1 and M-2 districts.

<sup>215</sup> This is derived from the “Ice manufacture or cold storage” use permitted in the M-1 district.

<sup>216</sup> This consolidates the “Automobile wrecking, automotive junkyards, junkyards and salvage yards” use, permitted as a special exception in the M-2 district, and the “Junkyards or scrap yards” use, permitted as a special exception in the C-2 and C-3 districts.

<sup>217</sup> This renames the “Mini storage warehouse facility” use, permitted in the C-1 and C-2 districts.

<sup>218</sup> This is derived from the “Enclosed wholesaling, warehousing and storage uses, truck terminals and uses necessary to service the area. To include accessory uses or structures customarily incidental to these uses” use, permitted in the M-1 district.

<sup>219</sup> This consolidates the “Enclosed wholesaling, warehousing and storage uses, truck terminals and uses necessary to service the area. To include accessory uses or structures customarily incidental to these

**Table 4-1: Principal Use Table**  
P = Permitted      A = Allowed in PD      S = Special Exception  
W = Permitted Only In SW-O District      Blank = Not Permitted

Use Category/Type	Zone Districts												Use-Specific Standards	
	Residential				Commercial					PD				
	AP	RR	RG	RN	CRC	CN	CC	COR	IL	IM	IH	PD		
<b>Waste-Related Uses</b>														
Construction and demolition landfill, private										W	W	W		4.2.4(E)(3)
Construction and demolition landfill, public.										P	P	P		
Recycling facility, private <sup>220</sup>										W	W	W		4.2.4(E)(4)
Recycling facility, public					P	P	P	P	P	P	P	A		
Sanitary landfill, private										W	W	W		4.2.4(E)(5)
Sanitary landfill, public										P	P	P		
Transfer station, private										W	W	W		4.2.4(E)(6)
Transfer station, public										P	P	P		
Waste composting facility <sup>221</sup>												S	A	
Waste processing or recycling recovery facility, private <sup>222</sup>										W	W	W		4.2.4(E)(7)
Waste processing or recycling recovery facility, public										P	P	P	A	
<b>Wholesale Sales</b>														
Auction yard <sup>223</sup>											P	P	A	
Wholesale sales <sup>224</sup>							S			S			A	

**4.2.4. Standards Specific to Principal Uses**

**(A) Agriculture Uses**

**(1) Farm Winery<sup>225</sup>**

**(a) Applicability**

Except for the standards in subsection (g) below, which apply only to the farm winery use, the standards in this subsection (1) apply to the following uses:

1. Farm winery, in the Agricultural Uses classification;
2. Brewery, in the Industrial Uses classification;
3. Distillery, in the Industrial Uses classification, and;

uses” use (permitted in the M-1 district and as a special exception in the M-2 district), and “Warehouses or storage facilities, except those facilities for storing petroleum or other potentially hazardous materials” use (permitted in the C-1 district and as a special exception in the C-2 district)

<sup>220</sup> This is a new use.

<sup>221</sup> This is a new use.

<sup>222</sup> This is a new use, derived from the “Sanitary dumps, landfills, or waste transfer points” use listed in but prohibited in the C-2 district.

<sup>223</sup> This is a new use derived from “Auction barns and auction yards,” permitted as a special exception in the C-2 and C-3 districts.

<sup>224</sup> This is a new use that consolidates multiple “Wholesale Trade” uses, permitted in the C-2 district.

<sup>225</sup> This builds on the existing set of standards that apply to breweries, craft breweries, distilleries, farm wineries, and wineries in Sec. 4.200 of the Zoning Resolution with reorganization for clarity. In the Zoning Resolution all standards for all uses are contained within Sec. 4.200. In this Ordinance, the specific standards that apply to all those uses are listed in this section. The particular use-specific standards for the other uses reference this section and include additional standards particular for that use.

4. Winery, in the Industrial Uses classification.

**(b) General Standards**

1. All activities associated with production, bottling, storage, and sales shall be conducted entirely within an enclosed structure. No outdoor storage of raw materials, byproducts, equipment, inventory, or any other items shall be permitted, except that raw materials or byproducts may be stored in silos or other appropriate structures.
2. The facility shall be maintained in a neat and clean condition and operated so as not to create a nuisance.
3. Conditions within the site shall be controlled to minimize noise and odor.
4. Byproducts or solid waste from the production shall be properly disposed of off the property. TDEC shall approve any on-site wastewater disposal system, and the permit approving the system shall state the approved waste loading and waste volume.
5. The use and all buildings and structures must comply with the applicable building code and permitting requirements.
6. All buildings not used for processing, distilling, bottling, tasting, and sales shall be located behind the rear building lines of the buildings utilized for processing, distilling, bottling, tasting, and sales.
7. Permanent restroom facilities shall be provided to accommodate the maximum number of simultaneous employees, nonemployees, and visitors anticipated on the site.<sup>226</sup>

**(c) Operational Standards<sup>227</sup>**

1. Daily tours may occur only between 9 am and 8 pm.
2. Deliveries to and from the site may occur only between 7 am and 8 pm.
3. Attendance at any event is limited to 250 people.
4. Outdoor events shall occur only during daylight hours.

**(d) Accessory Uses**

1. Where permitted by local, state, and federal law, the tasting and sales of beverages on site are permitted as accessory uses providing such tasting and sales uses are clearly subordinate to the production of the beverages.
2. A facility may include a warming kitchen for the purpose of providing food to visitors and for events held on the premises. The warming kitchen shall be clearly subordinate to the production of beverages and shall not operate as a restaurant or as another use in the food and beverage services or retail sales and services use categories.

**(e) Licensing**

1. The use may not commence until the owner or operator obtains all applicable licenses and permits required under local, state, or federal law, including approvals from the Tennessee Alcoholic Beverage Commission, the Tennessee Department of Agriculture, the TDEC, and the Federal Alcohol and Tobacco Tax and Trade Bureau.
2. Copies of all reports of production activities filed with the US Treasury Department, and similar reports required to be submitted to state and federal agencies, shall be provided to the County promptly upon request.

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<sup>226</sup> The reference to the supplementation of permanent restroom facilities with portable toilets in Sec. 4.201(4) of the Zoning Resolution is not carried forward. That language is not necessary because there is nothing in the code that prevents portable toilets from being used as needed.

<sup>227</sup> Example list of events is removed as unnecessary.

**(f) Setback and Buffer Requirements<sup>228</sup>**

All buildings, parking lots, and areas used for activities shall be set back from adjoining property lines in accordance with Table 4-2: Setback Requirements for Brewery, Distillery, and Winery Uses, based on the zone district in which the use is located and the zone district of adjoining property.

<b>Table 4-2: Setback Requirements for Brewery, Distillery, and Winery Uses</b>		
<b>Adjoining District</b>	<b>Zone District in Which Use Is Located</b>	
	AF, RR, RG, PD-TND Districts, and PD Districts with Only Residential Uses	RC, CN, CR, COR, O, M, IH Districts, and PD Districts with Non-Residential Uses
AF, RR, RG, PD-TND Districts, PD Districts with Only Residential Uses	400	400
RC, CN, CR, COR, O, M, IH Districts, PD Districts with Non-Residential Uses	200	Setback standards of zone district in which use is located

**(g) Standards Specific to Farm Winery Use**

The following standards apply only to the farm winery use:

**1. Minimum Lot Size**

The minimum lot size is 15 acres. Multiple contiguous parcels shall be consolidated, in accordance with the Subdivision Regulations, into a single parcel that complies with the minimum lot size before the use may occur.

**2. Floor Area Limitations**

- i. The floor area of all buildings used for processing, bottling, tasting, sales, storage of the finished product produced on the site, and office space shall not exceed 25,000 square feet.
- ii. The floor area of tasting rooms and sales permitted in accordance with subsection (d)1 above shall not exceed 4,000 square feet.

**(2) Roadside Agriculture Sales<sup>229</sup>**

- (a) The floor area of the stand or other structure in which sales take place shall not exceed 300 square feet.
- (b) Only agriculture or forestry products produced on the premises may be sold.
- (c) The stand shall not be located in a public right-of-way and shall be at least 35 feet from the edge of pavement of the adjoining street.

**(B) Residential Uses<sup>230</sup>**

**(1) Dwelling, Mobile Home<sup>231</sup>**

The following standards apply to all mobile homes:

- (a) A permit shall be obtained from the Director before a mobile home may be installed.

<sup>228</sup> The standards are not changed, but the table has been simplified.

<sup>229</sup> This carries forward the standards in Sec. 5.041 of the Zoning Resolution and clarifies the stand may not be located in the public right-of-way.

<sup>230</sup> The Zoning Resolution includes special development standards for group housing projects in Sec. 4.082. This use of special site design standards for multi-building residential projects is unusual and they are not carried forward. Instead, we recommend that standards that improve the site generally be included in the general development standards section in Article 5: Development Standards, which will apply to residential and nonresidential development throughout the county, instead of carrying forward these special standards.

<sup>231</sup> This carries forward the standards for mobile homes in Sec. 4.140 of the Zoning Resolution with minor refinements for clarity. References to single-wide and double-wide are replaced with "all" for brevity.

- (b) The home’s manufacture date shall be no more than 15 years before the date the mobile home permit is issued or the home is installed.
- (c) Front and back porches shall have a landing and steps that meet the building code in effect at the time of permitting or placement.
- (d) The tongue of the mobile home must be removed.
- (e) The Director shall approve skirting or foundation installations.

**(2) Mobile Home Park<sup>232</sup>**

**(a) Minimum Size**

The lot shall be at least two acres in size and able to contain at least ten mobile home spaces.

**(b) Dimensional Standards**

The mobile home park and each mobile home space in the mobile home park shall comply with the dimensional standards in Table 4-3

<b>Table 4-3: Mobile Home Park Dimensional Standards</b>			
<b>Mobile Home Park</b>		<b>Mobile Home Space</b>	
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
<b>Setbacks, min (ft) [1]</b>		<b>Lot area, min (sf)</b>	
Front	50	Single-wide mobile home	3,600
Side	30	Double-wide mobile home	6,000
Rear	30	Lot width, min (ft)	36
Height, max (stories   ft)	2   25	Setback, front (ft)	10
		Setback, other	[2]

*min = minimum max = maximum ft = feet sf = square feet*

**NOTES:**

- [1] Required mobile home park setbacks do not include areas reserved for setbacks in each individual mobile home space.
- [2] There shall be at least 15 feet separation between mobile homes placed end-to-end, and at least 20 feet between mobile homes in any other configuration. In addition, there shall be at least 20 feet separation between a mobile home and any other building within the mobile home park.

**(c) Required Improvements**

1. Streets within the mobile home park shall be paved and at least 24 feet in width, in accordance with the procedures and standards for minor residential streets in the Subdivision Regulations. The street right-of-way shall be no wider than necessary to accommodate the road surface and necessary drainage facilities. All streets within the mobile home park shall be private streets and shall not be accepted as public streets.
2. The park shall be served with utility systems adequate for fire protection and the removal of liquid waste via a central sewage collection and treatment facility.
3. The mobile home park, including each mobile home space, shall be properly graded with a positive drainage flow away from buildings on the site.

**(d) Mobile Home Space Standards**

Each mobile home space shall:

1. Include a paved patio at least 200 square feet in area;
2. Include a pad at least 12 feet by 50 feet in area constructed of compacted gravel at least four inches in depth;

<sup>232</sup> This carries forward the standards for mobile home parks in Sec. 4.100 of the Zoning Resolution, with reorganization and revisions for clarity and to reduce repetition. A 25 foot height limit has been added to the carried-forward 2-story height limit.



3. Be clearly delineated using permanent markings;
4. Include properly installed ground anchors that permit mobile homes to be tied down;
5. Abut and have access to a private street within the mobile home park; and
6. Be provided with a connection to a sanitary sewer line.

**(e) Additional Standards**

1. Cabanas, travel trailers, and similar enclosed structures are prohibited.
2. Except for one mobile home that is used as a rental or management offices, mobile homes in a mobile home park shall not be used for any nonresidential principal uses.<sup>233</sup>
3. Any central refuse disposal area shall be maintained to meet County health requirements and shall be screened from view.
4. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures and shall comply with all applicable codes.
5. On each street frontage, a mobile home park may provide one sign with no more than 20 square feet of sign area. The sign may be illuminated by indirect lighting only.<sup>234</sup>

**(3) Assisted Living Facility<sup>235</sup>**

- (a) An assisted living facility shall be licensed by the state in accordance with Tenn. Comp. R. & Regs. 1200-08-25-.03.
- (b) Before a site plan for an assisted living facility may be approved, the applicant shall provide a letter from the water utility which states that water service is available at the site and the proposed design capacity.
- (c) If not on a sanitary sewer system, the assisted living facility shall use an on-site wastewater disposal system approved by TDEC, and the applicant shall provide the County with the TDEC approval which states the capacity of the approved system.

**(C) Civic and Institutional Uses**

**(1) Child Care Center<sup>236</sup>**

A child care center shall be licensed by the state in accordance with Tenn. Comp. R. & Regs. 240-04-01-.03.

**(2) Child Care Home, Family**

A family child care home shall be licensed by the state in accordance with Tenn. Comp. R. & Regs. 240-04-01-.03.

**(3) Child Care Home, Group**

A group child care home shall be licensed by the state in accordance with Tenn. Comp. R. & Regs. 240-04-01-.03.

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<sup>233</sup> Changed from “nonresidential uses” in the Zoning Resolution to “nonresidential principal uses” in this Ordinance to allow for home occupations and other accessory nonresidential uses.

<sup>234</sup> The current regulations, in Sec. 4.100c.5 of the Zoning Resolution, require that the sign “contain thereon only the name and address of the park.” We have removed this requirement as it may violate the First Amendment to the U.S. Constitution as interpreted by Reed v. Gilbert.

<sup>235</sup> These are new standards for a new use.

<sup>236</sup> These new standards, for this use and the family and group child care home uses that follow, reference state requirements for child care facilities.



**(4) Event Venue<sup>237</sup>**

**(a) Minimum Lot Size**

The minimum lot size for an event venue shall be 15 acres. Multiple contiguous parcels shall be consolidated into a single parcel that complies with the minimum lot size before the use may occur.

**(b) Design and Development Standards**

1. The event venue shall have frontage along a public road that provides access without use of private easements across other property.
2. The access road to the event venue shall be a federal, state, or county road. If the access road is a county road, the county road shall:
  - i. Be included on the County Road list approved by the County Commission;
  - ii. Have a paved surface at least 24 feet in width; and<sup>238</sup>
  - iii. Be paved with asphalt, bituminous surface treatment, or concrete; gravel roads are prohibited.
3. Access to and egress from the event venue shall not direct traffic through a residential neighborhood.
4. If the event venue is located on a property with an existing structure or residence, an additional address shall be assigned to the event venue for E-911 purposes.
5. Permanent restroom facilities shall be provided to accommodate the maximum number of simultaneous employees, nonemployees, and visitors anticipated on the site.<sup>239</sup>

**(c) Setback and Buffer Requirements**

All buildings, parking lots, and areas used for activities shall be set back from adjoining property lines in accordance with Table 4-4: Setback Requirements for Event Venues, based on the zone district in which the use is located and the zone district in which adjoining property is located.

<b>Table 4-4: Setback Requirements for Event Venues</b>		
<b>Adjoining District</b>	<b>Zone District in Which Use Is Located</b>	
	<b>AF, RR</b>	<b>CC</b>
AF, RR, RG, PD-TND Districts, and PD Districts with Only Residential Uses	400	400
RC, CN, CR, COR, O, M, IH Districts, and PD Districts with Non-Residential Uses	200	Setback standards of zone district in which use is located

<sup>237</sup> This carries forward the standards in Sec. 4.210 of the Zoning Resolution with revisions as noted below. The application requirements in Sec. 4.211, Procedure for Submission and Review, are not carried forward in the Ordinance; these requirements should be determined by the Director and included in a separate Procedures Manual, as discussed in the Code Assessment.

<sup>238</sup> The current standards require either a “20-foot surface with plus 2-foot shoulders on each side of the road” or “24-foot surface width.” As both scenarios appear to require 24 feet of paved surface, this standard has been simplified.

<sup>239</sup> The reference to the supplementation of permanent restroom facilities with portable toilets in Sec. 4.2012(8) of the Zoning Resolution is not carried forward. That language is not necessary because there is nothing in the code that prevents portable toilets from being used as needed.

**(d) Parking Standards<sup>240</sup>**

1. Except for parking spaces required for ADA compliance, which shall comply with the paving and dimensional standards in Section 5.2, Off-Street Parking and Loading Standards, off-street parking spaces and drive aisles may be surfaced with gravel, grass, or other material if the applicant demonstrates that the surface will be capable of accommodating anticipated traffic loading stresses.
2. Parking shall be provided on-site, except that parking that is not required for ADA compliance may be provided off-site if shuttle service is provided from the off-site parking area to the event venue.
3. Parking on public roads or public right-of-way adjacent to the site is prohibited.

**(e) Building Standards**

All structures shall comply with the County building code and fire code and shall be inspected prior to occupancy by the Building and Zoning Office.

**(f) Operational Standards**

Outdoor sound amplification and outdoor lighting is only permitted between 8 am and 10 pm on weekdays, and 11 pm on weekends and on holidays observed by the federal, state, or County government.

**(g) Sanitation Standards**

1. If the event venue uses an on-site wastewater disposal system instead of a sanitary sewer system, the disposal system shall be approved by TDEC, and the applicant shall provide the county with the TDEC approval which states the capacity of the approved system.
2. The applicant shall provide a letter from the water utility which states that water service is available at the site and the proposed design capacity.

**(5) Cemetery<sup>241</sup>**

- (a) A cemetery shall be located on a lot at least 15 acres in area;
- (b) If the cemetery is not accessory to an institutional use such as a religious facility, it shall have access from an arterial or collector road that is identified on the County Road list approved by the County Commission.
- (c) All graves, burial lots, and mausoleums shall be set back at least 150 feet from an arterial road, 100 feet from any lot line with a residential use or a lot in the RR or RG district, and 50 feet from any other lot line.
- (d) In addition to the transitional buffer required by Section 5.3, Landscaping Standards, the portion of the site used for burial shall be surrounded by a fence or wall that complies with the standards of Section 5.7, Fence and Wall Standards, except where access is provided for vehicles or pedestrians.
- (e) The cemetery shall comply with all requirements in Title 46, Cemeteries, T.C.A.

**(6) Airport, Public and Private<sup>242</sup>**

**(a) General Airport Standards**

**1. Runways and Landing Strip Length and Width**

Runways and landing strips shall be at least 50 feet wide and 3,000 feet long.

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<sup>240</sup> This carries forward the existing parking standards at Sec. 4.212(4) of the Zoning Resolution with revisions for clarity; the number of parking spaces required for the use will be addressed in Section 5.2, Off-Street Parking and Loading Standards; consequently, this requirement is not carried forward here.

<sup>241</sup> This replaces the existing standards at Sec. 3.080 of the Zoning Resolution.

<sup>242</sup> This carries forward the existing airport standards at Sec. 4.170 of the Zoning Resolution.

**2. Minimum Runway and Landing Strip Setbacks**

- i. Runways and landing strips shall be set back at least 1,000 feet from all property lines adjacent to property in the AF, RR, and RG district, and a PD district with residential uses, and shall be set back at least 200 feet from all other properties.
- ii. Each end of a runway or landing strip shall be set back at least 1,000 feet from adjacent property lines.

**3. Building Setbacks**

All buildings and structures shall be set back at least 100 feet from any property line.

**4. Obstruction Restrictions**

There shall be no obstruction, including aircraft that are hangered, tied down, or parked, in the following areas:

- i. Within 50 feet on each side of the center line along the full length of the runway, landing strip, or helipad; and
- ii. Within 1,000 feet of both ends of a runway or landing strip.

**5. Operational Standards**

Only Visual Flight Rule (VFR) operations in accordance with FAA regulations are permitted.

**6. Compliance with FAA Standards**

All structures on the property shall comply with federal aviation regulations at 49 CFR Part 77.

**7. Additional Standards**

- i. A single property may contain no more than one runway or landing strip, or two heliport pads.
- ii. No more than two aircraft may be stored on the site.

**(b) Private Airports**

1. Private airports shall be used only for agricultural or recreational purposes and not for commercial purposes.
2. The siting, development, and operation of a new private airport shall not conflict with the operations of any existing airport, including overlap with flight patterns and approach areas.

**(7) Communications Tower and Equipment<sup>243</sup>**

**(a) Purpose<sup>244</sup>**

The purpose of this section is to establish standards for the siting and installation of communication equipment such as towers and antennas to meet the County's goals to:

1. Minimize the total number of towers in the County;
2. Promote the joint use of new and existing tower sites;
3. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
4. Configure towers and antennas in a way that minimizes their adverse visual impacts; and,

<sup>243</sup> This carries forward the standards in Sec. 4.150 of the Zoning Resolution. Notice requirements have not been included and will be consolidated with the standard notice requirements in Article 2: Administration.

<sup>244</sup> This carries forward and revises for clarity the five purpose statements in Sec. 4.150 of the Zoning Resolution.

5. Enhance the ability of telecommunications service providers to provide services to the community quickly, effectively, and efficiently.

**(b) Application Requirements**

An application for a special exception use for installation of a communications tower or antenna shall include the following:

1. Site and landscaping plans drawn to legible scale, including:
  - i. The site located and highlighted on the County's tax map, identifying the relevant map and parcel numbers; and
  - ii. The site located on colored copies of US Topo maps produced by the National Geospatial Program of the U.S. Geological Survey.<sup>245</sup>
2. A written report that includes a description of the tower including technical reasons for its design;
3. An inventory and map that identifies the location of existing and proposed tower sites owned and operated by the applicant, including the height and design of each existing tower as well as the proposed tower.
4. Documentation, certified by a professional structural engineer licensed in the State of Tennessee who is competent in such design, establishing the structural integrity of the tower's proposed uses, the general capacity of the tower, and other information necessary to ensure that American National Standard Institute (ANSI) standards are met;
5. A written statement of intent as to whether excess space on the tower will be leased (i.e., total number of co-locators permitted on tower);
6. Written proof of ownership of the site or a copy of the owner's authorization to use the site;
7. Copies of any easements necessary to gain access or limited development areas;
8. A written report from a professional geotechnical engineer licensed in the State of Tennessee that the soils and underlying materials will support the intended structure;
9. Documentation that the tower facility meets FCC technical emissions standards, as well as other applicable FCC requirements;
10. Documentation that the FAA has issued a "Determination of No Hazard" regarding the site;
11. A written explanation as to why the proposed site was selected and why co-location is not a possible option; and,
12. Documentation that the site complies with requirements of the federal National Environmental Policy Act (NEPA) in regard to impact on wildlife, endangered species, historical sites, Native American religious sites, floodplains, wetlands, high intensity white lights in residential neighborhoods, and frequency emissions in excess of FCC guidelines.

**(c) Development Standards**

1. To minimize the risk of injury or damage due to a tower collapse, a lot shall be of sufficient size and the tower sited such the fall radius from the base of the tower to any adjoining property line or supporting structure of another tower is a minimum of 100 percent of the proposed tower height.
2. Except as specifically required by the FAA or FCC, communication tower structures shall:
  - i. Be colored gray or silver;
  - ii. Not be illuminated; and

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<sup>245</sup> This is updated to specifically reference the current topographical maps generated by the U.S.G.S.

- iii. Not use strobe lights.
- 3. Communication tower structures shall be designed to encourage collocation by future additional users.
- 4. No signage, advertising, or other delay is permitted.
- 5. Any on-site accessory structure shall only be used for the storage of equipment and/or electronics required on the site.
- 6. The tower base, all guy wires, and equipment areas shall be enclosed with a fence no less than six feet in height with access via a lockable gate. The gate shall be locked when the tower site is not being accessed for maintenance or other similar uses, and the fence shall be maintained in a good condition.
- 7. The tower shall be screened from public rights-of-way and adjacent properties with landscape buffers installed on the outside of the security fence. Each landscape buffer shall consist of a landscaped strip at least ten feet wide planted with a combination of trees, shrubs, and ground cover that include:<sup>246</sup>
  - i. A row of evergreen trees a minimum of eight feet in height when planted and a minimum of 10 feet in height at maturity, placed a maximum of ten feet apart; and
  - ii. A contiguous hedge of evergreen shrubs at least 30 inches in height at planting placed in front of the tree line.

**(8) Decentralized Wastewater Treatment and Disposal System**

**(a) Major Site Plan Approval Required**

Prior to construction of a new decentralized wastewater treatment and disposal system a component of a system, and prior to the expansion of any existing decentralized wastewater treatment and disposal system beyond the capacity previous approved, the Planning Commission shall be required to approve a major site plan in accordance with Sec. 2.5.5, Site Plan (Minor or Major).

**(b) Scope and Order of Site Plan Approval**

- 1. A single site plan application showing the decentralized wastewater treatment and disposal system or system component and another use may be submitted if:
  - i. The other proposed uses included on the site plan application are not Residential uses listed in Table 4-1: Principal Use Table;
  - ii. The other proposed uses will use the proposed decentralized wastewater treatment and disposal system; and
  - iii. All components of the proposed decentralized wastewater treatment and disposal system will be located on the same parcel as the other proposed uses.
- 2. For all site plan applications involving a decentralized wastewater treatment and disposal system that do not comply with subsection 1 above, a separate site plan for the proposed decentralized wastewater treatment and disposal system must be approved before a site plan or final plat may be approved for the uses that the system will serve. The site plan for the decentralized wastewater treatment and disposal system may be considered on the same agenda of the Planning Commission as the final plat or site plan for the uses that it will serve, provided the site plan for the decentralized wastewater treatment and disposal system is considered first. If the site plan for the decentralized waster system is not approved, the final plat or site plan for the uses it will serve shall be deferred, withdrawn from consideration, or denied due to the failure to provide adequate treatment and disposal of wastewater.

<sup>246</sup> This builds on the existing screening standards to add measurable landscaping requirements.

**(c) Site Plan Submission**

The following shall be submitted as part of the application for approval of a site plan for a decentralized wastewater treatment and disposal system.

**1. General Application Requirements**

- i. Written proof from the Tennessee Public Utility Commission (TPUC) of a valid and current Certificate of Convenience and Necessity (CCN) issued to and in the name of the proposed owner or operator of the system, or written proof from the TPUC that a CCN is not required.
- ii. A draft state operating permit issued by TDEC.

**2. Site Description**

A description of the site, including:

- i. Location map;
- ii. Climate;
- iii. Geology (including subsurface hydrology);
- iv. Topography;
- v. Access;
- vi. Water supply wells within 1,500 linear feet of the facility; and
- vii. Centralized Wastewater Treatment/Disposal (CWTD) Evaluation, as follows:
  - a. Identify potential CWTD service area (topographic maps of area adjacent to proposed project);
  - b. Evaluation of the Facility for providing a CWTD system in the service area (nature and extent of the area to be served, including immediate and probable future development);
  - c. Summary, conclusion, and plan of service regarding the potential CWTD systems within the identified service area; and
  - d. Written statement from the wastewater utility who will own and operate the system, advising of its position on potential for CWTD.

**3. Scaled Drawing**

A scaled drawing with two-foot elevation contours showing the preliminary site layout, including:

- i. Pre-application treatment facilities;
- ii. Storage facilities;
- iii. Disposal fields;
- iv. Buffer zones;
- v. Hand auger, test pit, and soil boring locations;
- vi. Access roads and utilities;
- vii. Watercourses;
- viii. Drainage structures;
- ix. Flood elevations with 10-year, 50-year, and 100-year floodplain elevation noted;
- x. Residences and habitable structures within or adjacent to site; and
- xi. Wells within 500 feet of the site.

**4. Screening from Adjacent Properties**

A minimum of two cross-sectional drawings shall be submitted that demonstrate whether the pre-treatment facilities, storage facilities, equipment storage buildings, pump stations, and other above-ground appurtenances can be effectively screened from adjacent properties by distance, topographical features, existing vegetation and/or new vegetation in accordance with Section 5.3, Landscaping Standards. If the Planning Commission determines that that the



facilities described above will not be adequately screened from adjacent properties, additional buffering as necessary to fully screen the facilities may be required.

**5. Design Wastewater Characteristics**

The design of the system, including influent to pre-application treatment and treated effluent to disposal fields, shall be provided. If the project involves an expansion or modification of an existing facility, recently collected actual data should be provided:

- i. Average and peak daily flows;
- ii. Biochemical Oxygen Demand;
- iii. Total Suspended Solids;
- iv. Ammonia Nitrogen, Total Kjeldahl Nitrogen, Nitrate plus Nitrite;
- v. Total Phosphorus;
- vi. Chloride;
- vii. Sodium Adsorption Ratio;
- viii. Electrical Conductivity; and
- ix. Metals/Priority Pollutants.

**6. Process Design for Pre-Application Treatment Facility**

The following shall be provided:

- i. Schematic of pump stations and unit processes;
- ii. Basin volumes, loading rates, hydraulic detention times, etc. (aerobic or anaerobic); and
- iii. Design life of treatment and disposal system.

**7. Additional Technical Information**

The following additional information should be provided:

- i. Water balance/determination of design wastewater loading rates for each disposal field;
- ii. Nitrogen balance/selection of cover crop and management scheme;
- iii. Background groundwater samples;
- iv. Phosphorus and other constituent loading rates;
- v. A soil investigation report certified by a Tennessee licensed soil scientist; and
- vi. Determination of wetted field area(s) and required storage volume.

**8. Identification of Backup Wastewater Disposal Sites**

One or more backup wastewater disposal sites, equal to or greater the same acreage and equal to or better than soil absorption capability as the primary wastewater disposal sites, shall be identified and shown on the site plan. All proposed uses for the back-up sites shall be described in the site plan.

**9. Cost Estimates**

The application shall include:

- i. Detailed construction cost estimate for the decentralized wastewater treatment and disposal system. The cost estimate shall be calculated including all of the components, facilities, and improvements to the land in order to build the decentralized wastewater treatment and disposal system, including but not limited to any off-site improvements and any components, facilities, and improvements for auxiliary disposal. The cost estimate shall be prepared, signed, and certified by the design engineer of the proposed system and shall be calculated utilizing recent actual construction costs for similar systems.



- ii. Detailed construction cost estimates for the collection system for each section of a residential development or the entire non-residential development shall be submitted or, in the case of future sections of a residential development, filed in conjunction with the final plat submittal. The cost estimate shall be calculated including all of the facilities and improvements to the land in order to construct the collection system for the applicable section of a residential development or the entire non-residential development. The cost estimate shall be prepared, signed, and certified by the design engineer of the proposed system and shall be calculated utilizing recent actual construction costs for similar systems.

**10. Auxiliary Disposal Sites**

If auxiliary disposal sites are anticipated beyond the primary dedicated disposal site, these sites or disposal options must be presented for review. Beneficial reuse opportunities with treated wastewater will be considered on a case-by-case basis.

**(d) Ownership of Decentralized Wastewater Treatment and Disposal System and Site**

1. The decentralized wastewater treatment and disposal system, storage lagoons (if any), and primary land disposal site(s) shall be owned and operated by the same entity. No homeowners' association, property owners' association, or trust indenture shall be permitted to own or operate any part of the primary decentralized wastewater treatment and disposal system. The required backup disposal site(s) may be owned by a homeowners association, but must be encumbered by an easement for that sole purpose and may not be utilized for anything other than future wastewater treatment or disposal. In the event that a portion of the wastewater treatment and disposal system will serve a government entity, the area dedicated to serve that government entity may be owned by the utility provider, owned by the governmental entity with a use agreement with the utility provider, or subject to an exclusive easement for the utility use by and benefit for the government entity, so long as the easement is in writing, approved by the government entity, is for the exclusive use by the governmental entity, and is recorded in the County Register of Deeds.
2. The owner of the decentralized wastewater treatment and disposal system shall also be required to employ on a full-time basis a person to hold a valid, current and applicable operator's license issued by TDEC, Water & Wastewater Operators Certification Board.
3. The owner of the decentralized wastewater treatment and disposal system shall also be required to hold a valid and current approval from the Tennessee Public Utility Commission to operate said system in the proposed location.
4. Except as provided in this Section 4.2.4(C)(8)(d), the treatment system and disposal site shall be dedicated or restricted so the only approved or acceptable use for the land disposal sites shall be for the purpose of providing wastewater treatment and disposal. All of the components of the wastewater system, including the wastewater septic tanks, if required, collection systems, pumping stations, treatment systems, storage lagoons, and land disposal sites shall be owned and operated by the same entity.
5. All required wastewater utility easements shall be shown on the applicable final plats or site plan. Easements shall be provided to allow access to all components of the treatment and collection system, including but not limited to septic tanks, and pipelines.
6. If auxiliary disposal sites are proposed (over and above the minimum area required for satisfactory operation of the treatment and disposal system), these sites will not be required to be owned by the same entity as the wastewater treatment and disposal system. A written contract or agreement between the

owner of the treatment system and the owner of the auxiliary disposal site will be required. The contract will require the owner of the auxiliary disposal site to adhere to all conditions and requirements placed on the use of the auxiliary disposal sites by TDEC and/or the County.

7. Except as provided in this Section 4.2.4(C)(8)(d), where the treatment system, disposal system, and storage lagoons (if any) will be operated by a utility issued a Certificate of Convenience and Necessity ("CCN") by the Tennessee Public Utility Commission, the land upon which the treatment and disposal system and storage lagoon(s) are located shall be transferred to the owner/operator of the wastewater system holding the CCN. This transfer shall be via deed that is recorded in the Maury County Register of Deeds office within 60 days of approval of the final plat of the subdivision upon which the treatment and disposal system and storage lagoon(s) are located. Proof of recording of this property transfer shall be provided to the Director by providing a copy of the recorded deed within the 60 days required for recordation of the deed. If the recorded deed is not provided to the Director before the expiration of these sixty days, the development shall be considered in violation of the Zoning Ordinance and subject to enforcement in accordance with Article 7: Enforcement.
8. In the event that the treatment system, disposal system, storage lagoons or backup disposal areas are utilized for the decentralized wastewater treatment and disposal system for a single non-residential use and does not require a CCN from the Tennessee Public Utility Commission, then the owner of the land upon which any portion of the system is constructed shall provide proof of ownership of that land by providing a recorded deed to the land within 60 days of approval by the Planning Commission of the site plan authorizing the decentralized wastewater treatment and disposal system. If the recorded deed is not provided to the Director before the expiration of these 60 days, the development shall be considered in violation of the Zoning Ordinance and subject to enforcement in accordance with Article 7: Enforcement.

**(e) Compliance with State Regulations and Guidelines**

1. These requirements shall apply to all decentralized wastewater treatment and disposal systems that use land application as a disposal method for the wastewater. This Article does not apply to single residential or non-residential lots utilizing individual, single on-site wastewater treatment and disposal systems for the treatment and disposal of wastewater, such as septic systems.
2. All decentralized wastewater treatment and disposal systems constructed in the County that use land for the disposal of the wastewater shall comply with the regulations promulgated by TDEC's Division of Water Pollution Control, specifically Chapter 15, Small Alternative Wastewater Systems; Chapter 16, Design Guidelines for Wastewater Treatment Systems Using Spray Irrigation, and Chapter 17, Design Guidelines for Wastewater Dispersal Using Drip Irrigation effective 2016, as amended, and as applicable, except where modified in this Ordinance.

**(f) Additional Standards for Drip Emitter Systems**

The following apply to all drip emitter systems:

1. **Buffer Zones, Public Access, and Protection of Water Supply Wells**
  - i. Buffer zones are required to provide adequate access to buried drip lines and to ensure that no wastewater leaves the site. Specific buffer zone requirements for varying system components and site conditions are provided in Table 4-5: Drip Emitter Wastewater System Buffer Zones.

**Table 4-5: Drip Emitter Wastewater System Buffer Zones**

<b>Component</b>	<b>Development Boundaries [1]</b>	<b>Internal Property Lines</b>	<b>Streams, Ponds, and Roads</b>	<b>Habitable Structures</b>	<b>Drinking Water Wells [3]</b>
<b>Piping</b>	25 feet	25 feet	25 feet [2]	50 feet	300 feet
<b>Treatment facility (including associated equipment and buildings)</b>	200 feet	150 feet	25 feet [2]	300 feet	300 feet
<b>Storage facility (if any)</b>	100 feet	100 feet	100 feet	100 feet	300 feet
<b>Drip emitters</b>	25 feet	25 feet	50 feet [2]	100 feet	300 feet
<b>Spray nozzles [4]</b>	25 feet	25 feet	50 feet [2]	100 feet	300 feet

**NOTES**

- [1] For purposes of this Section, development boundaries refer to properties that are a part of the site area of the proposed development or the proposed sewage disposal area. However, this buffer zone may extend into, but not beyond, public road rights-of-way dedicated to a governmental entity and railroad rights-of-way.
- [2] These distances may be superseded by the waterway setbacks established in this Ordinance or the Subdivision Regulations, including Sec. 5.14.2, Additional Setbacks from Stormwater and Water Bodies and Features.
- [3] Requirements for buffer areas in relation to potable water wells will be determined after reviewing groundwater pollutions susceptibility and groundwater recharge maps or by contacting the TDEC Division of Water Supply. In no case shall a wastewater application system be located within 300 feet of a drinking water well. TDEC Wellhead Protection requirements may increase the buffer distances as necessary.
- [4] Designers must specify appropriate irrigations devices to prevent overspray under any conditions. If noticeable overspray is observed, facilities will be adjusted or removed and relocated as needed. Drinking fountains, outdoor eating areas and other similar features (i.e., snack bars) located within the approved use area must be protected from overspray or contact with treated wastewater. Protection may be accomplished by relocating the irrigation system or relocating the protected facilities.

- ii. To protect drinking water aquifers, abandoned water supply wells within the treatment site must be identified along with all public water supply wells within 1,500 linear feet of any decentralized wastewater treatment and disposal system and all private water supply wells within 500 linear feet of any community land treatment site.
  - iii. Public access to the disposal field shall be restricted by posting signs and fencing of disposal fields. Fencing and access road gates shall be provided along property lines adjacent to residential and other developed areas. Fencing is required around all wastewater treatment systems, storage facilities, pump stations, and holding ponds.
- 2. Surface Drainage and Runoff Control**
- i. Drainage of storm runoff should be considered in the design of drip irrigation systems. All land application fields must be protected against flooding (below 10-year flood elevation), ponding, and erosion. Run-off from upgradient areas should be redirected around the irrigation site. If properly designed and constructed, drip irrigation systems will not produce any runoff if surface applied or any surface flow of wastewater if subsurface applied. All areas that acquire a wet surface should have the hydraulic loading rate reduced to prevent the situation from recurring. Areas exhibiting a wet surface on a regular basis shall be eliminated from future applications unless the surface wetting can be corrected. A reassessment of the design should be performed to determine if reconstruction or repair of the failing area would correct the deficiency. Any areas taken out of service because of failure will subsequently cause a reduction in the permitted system capacity.
  - ii. Indirect runoff as a result of underflow, changes in slope, and shallow restrictive soil layers can be anticipated at some slow rate land treatment sites. Indirect runoff may be acceptable if it is dispersed over a wide area.

However, monitoring of streams affected by such indirect runoff will be required.

**3. Location of System Components**

- i. The disposal site shall be relatively isolated, easily accessible, and not susceptible to flooding.
- ii. In no event shall a disposal site be located within the 10-year floodplain. The limits of the 10-year floodplain shall be established by a field elevation survey utilizing FEMA cross-section data, or an equivalent engineering study which defines the site area having a 10 percent chance of storm water inundation in any given year. No disposal site shall be utilized when inundated or saturated with water.
- iii. In no event shall a decentralized wastewater treatment and disposal system be located within the pre-existing boundary of the 100-year floodplain. The limits of the 100-year floodplain shall be established by a field elevation survey utilizing FEMA cross-section data, or an equivalent engineering study which defines the site area having a 1 percent chance of storm water inundation in any given year. Areas within the 10-year and/or 100-year floodplain boundaries shall be manipulated in such a way that the pre-existing grade is changed.
- iv. Except as permitted for the exclusive benefit of a government entity as described in subsection (d)1 above, under no circumstances shall the treatment system, storage pond, and disposal site be installed upon properties encumbered by easements.
- v. Under no circumstances shall the treatment system, storage pond, disposal site and back-up disposal site be installed on properties with grades in excess of 15 percent slope.

**4. Disposal Site Use Restrictions**

- i. The primary disposal site shall be closed to public access and shall be restricted so that its only acceptable use is for wastewater disposal. The use of the primary disposal site as a park, golf course, cemetery, outdoor institutional, or other recreational or other public use is prohibited.
- ii. The required back-up disposal site may only be used as a passive park with no permanent structures or buildings, and with no alteration of the site that would render the soils no longer capable of accepting the disposal capacity for which it was set aside.

**5. Back-Up Disposal Site**

In addition to the primary wastewater disposal sites, one or more back-up or secondary wastewater disposal sites shall be provided, in accordance with the following:

- i. The back-up disposal should be owned by the utility operator, but it may be owned by a homeowner's association and contained within required open space as long as a perpetual easement for the area is granted for the sole purpose and use as a wastewater disposal site and that the use of the land same is restricted to open space purposes, in accordance with Sec. 5.5.8, Protection and Maintenance. The easement and restrictions relating to the use of the land as a back-up wastewater disposal site shall be shown on the final plat, addressed in the covenants and restrictions, and recorded as a separate easement with the County Register of Deeds.
- ii. The back-up disposal site shall be sized based on the design wastewater flow rates and the specific design hydraulic loading rate for the back-up disposal site(s).

- iii. The back-up wastewater disposal site(s) shall be protected to prevent encroachment of any unauthorized vehicles or equipment. No encumbrance or physical structure shall be placed in such a manner so as to interfere with the wastewater disposal site's intended purpose. No activity will be allowed on the back-up wastewater disposal site(s) that will alter the soil characteristics or the design percolation rates for each soil type.

**(9) Solar Energy Conversion System, Large-Scale<sup>247</sup>**

- (a) The lot coverage of the system, including any associated equipment, may be up to but shall not exceed 80 percent.
- (b) No components of the use shall exceed a height of 20 feet.
- (c) Except for transmission lines and collector utility structures, all utilities associated with the system shall be located underground.
- (d) The application for a special exception use permit shall include a decommissioning plan that describes the timeline and manner in which the solar energy conversion system will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.
- (e) If the solar energy conversion system ceases operating for a period of 18 consecutive months, the County shall deem it abandoned and will provide a written notice of abandonment to the owner. Within 180 days after notice of abandonment is provided, the owner is required to either complete all decommissioning activities and site restoration in accordance with the decommissioning plan or resume regular operation of the solar energy conversion system.

**(10) Utility, Major<sup>248</sup>**

All structures and storage areas shall be set back at least 100 feet from all property lines.

**(11) Wind Energy Facility, Large<sup>249</sup>**

A large wind energy facility shall comply with the following:

**(a) Applicability<sup>250</sup>**

The standards of this section apply to a new large wind energy facility and to the expansion of an existing wind energy facility. For purposes of this section, expansion of a wind energy facility includes activities that add to or substantially modify a facility by increasing the height of turbines or increasing the number of turbines, transmission facilities or other equipment, or increasing the footprint of the facility.

**(b) Procedure<sup>251</sup>**

In addition to the requirements for a special exception in Sec. 2.5.4, Special Exception Permit, the following apply to an application for a special exception for a large wind energy facility.

**1. Application Requirements**

- i. The application for a special exception shall include a copy of the certificate of public convenience and necessity issued by the Public Utility Commission relating to the proposed large wind energy facility or expansion.

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<sup>247</sup> These are new standards for a new use.

<sup>248</sup> This is a new standard.

<sup>249</sup> These are new standards for a large wind energy facility which incorporates the state-law requirements in Title 65, Chapter 17, Energy Facility Siting, of the T.C.A., and adds additional standards.

<sup>250</sup> Based on definitions in T.C.A. § 65-17-101. "Large wind energy facility" is defined in Section 8.5, Definitions.

<sup>251</sup> Required to be included by T.C.A. § 65-17-105(d)(3). The notice and application requirements may be consolidated with the general notice and special exceptions procedures in Article 2: Administration, when they are drafted.

- ii. The application shall include comments from state and federal agencies with jurisdiction

**2. Assessments**

Except as provided in subsection (i) below, the application for a special exception shall include an environmental impact assessment in accordance with subsection (g) below, and a wildlife impact assessment in accordance with subsection (h) below. If a wildlife impact assessment is required, in no circumstance shall a special exception be effective until the state Wildlife Resources Agency has notified the County of its approval or approval with conditions of the application, and the special exception shall include any conditions required by the Wildlife Resources Agency.

**3. Public Hearing and Notice**

A public hearing on the application shall take place within 60 days after the determination that the application is complete. Notice of the public hearing shall comply with the standards of Section 2.4.7, Scheduling of Public Hearing and Public Notification, and the following:

- i. The notice shall be published for at least two consecutive weeks in a newspaper of general circulation in the County, beginning at least 30 days prior to the scheduled date of the public hearing.
- ii. The notice shall provide that any comments on the construction, operation, or redevelopment of the large wind energy facility or expansion shall be submitted to the Board of Zoning Appeals by a certain date, which shall be no less than 30 days from the date of the newspaper publication of the notice.

**(c) Setback<sup>252</sup>**

- 1. From the lot line of a nonparticipating owner, a wind energy turbine shall be set back a distance equal to 3.5 times its height. A nonparticipating owner may execute a waiver that authorizes a reduction in the required setback from the nonparticipating owner's property line to 1.1 times the height of a wind energy turbine.
- 2. For purposes of this subsection (c), the height of the wind turbine shall be measured from the ground to the maximum height of the blade tip.
- 3. All other buildings and structures on the site of a large wind energy facility shall be set back at least 100 feet from all property lines or the minimum setback requirement of the underlying zone district, whichever is greater.

**(d) Height<sup>253</sup>**

The maximum height standards of this Ordinance do not apply to a large wind energy facility.

**(e) Access**

Access to the large wind energy facility shall be from an arterial or collector road. At the time the application for the facility or expansion is filed, there shall be a route to access the site from a principal arterial road that does not require use of roads in a residential subdivision.

**(f) Site Design Standards**

- 1. Signage shall not be allowed on a wind turbine. Signage may be posted on the fence near the entrance gate(s) or at the base of the tower identifying the

<sup>252</sup> Subsections (1) and (2) are required to be included by T.C.A. § 65-17-105(e)(2)(A). Subsection (3) is a new standard.

<sup>253</sup> This is a new standard.



manufacturer's or installer's identification, appropriate warning signs, or owner identification.

2. Each wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray or white) that blends into a range of sky colors, unless required otherwise by the FAA. Bright, luminescent, or neon colors are prohibited.
3. A wind turbine shall not be lighted unless required by the FAA.
4. A wind turbine shall not be readily climbable for the first 15 feet of the structure.
5. All electrical and control equipment on the site shall be stored within a secure area such as a lockable cabinet or other lockable structure.
6. All wiring between the wind turbines and power substation or point of interconnection shall be underground, to the maximum extent practicable.

**(g) Environmental Impact Assessment<sup>254</sup>**

Except as exempted in subsection (i) below, before a special exception permit for a large wind energy facility may be granted, the applicant shall submit an environmental impact assessment (EIA) prepared by a qualified third-party expert that assesses the potential adverse impacts of the facility on lands within four miles of either the perimeter of the facility or the proposed area of expansion of an existing facility. The EIA shall study at least the following potential impacts:

1. Economic impacts to individuals, property values, tourism, and agriculture;
2. Potential adverse impacts on ecosystems, including domestic animals, and habitat and migratory patterns for wildlife;
3. Viewshed analysis for national or state parks or forests, historic or cultural sites, public parks or recreation areas, or private conservation lands;
4. Hydrogeological assessment, including water bodies, flowing water sources, stormwater runoff, wetlands, groundwater, aquifers, and private wells within at least two miles of the perimeter of the facility or expansion;
5. Risk assessment and mitigation recommendations for shadow flicker and incidents, such as wind turbine fires, structural damage or failure, ice and blade throw, and hazardous material spills; and
6. Risk assessment for civil air navigation, military or law enforcement routes or training exercises, emergency medical flights, radar operations, and cell phone services.

**(h) Wildlife Impact Assessment<sup>255</sup>**

**1. Assessment Required**

Except as exempted in subsection (i) below, before a special exception permit for a large wind energy facility may be granted, the applicant shall prepare a wildlife impact assessment that includes analysis of the potential adverse impacts to wildlife refuges, preserves and management areas, areas that provide habitat for threatened or endangered species, primary nursery areas designated by the fish and wildlife commission and the wildlife resources agency, and critical fisheries habitats identified pursuant to applicable state or federal law.

**2. Wildlife Resources Agency Approval Required**

Following its preparation and submittal to the county, the wildlife impact assessment prepared in accordance with subsection 1 above shall be submitted to the state Wildlife Resources Agency for its review. The Wildlife Resources Agency shall review the wildlife impact assessment and the requested special exception permit and shall approve, approve with conditions, or deny the

<sup>254</sup> Required to be included by T.C.A. § 65-17-105(e)(2)(B).

<sup>255</sup> Required to be included by T.C.A. § 65-17-105(e)(2)(C).



application. No permit issued by the county shall be effective until the Wildlife Resources Agency has provided its approval or approval with conditions.

**(i) Alternate Environmental Review<sup>256</sup>**

The assessment requirements established in subsections (g) and (h) above shall be waived if review of the large wind energy facility or any portion of the facility is required by the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 *et seq.*), and the review conducted as part of the NEPA requirements includes public input, a public hearing, an environmental impact statement, and a viewshed analysis.

**(j) Noise Measurement<sup>257</sup>**

Prior to construction or expansion of a facility, a qualified third-party acoustics expert, selected and paid for by the applicant, shall make a baseline determination of preconstruction noise levels, including modeling and enforcement.

**(k) Decommissioning and Security**

**1. Security Required<sup>258</sup>**

Before beginning construction of a large wind energy facility, the applicant shall establish financial security in the amount of 100 percent of the estimated total cost to decommission and remove the wind energy facility. The cost to decommission and remove the wind energy facility shall be established by an independent consultant paid by the applicant. The financial security shall be established by depositing with the County a surety bond, collateral bond, irrevocable letter of credit, parent guaranty, cash, cashier's check, certificate of deposit, or bank joint custody receipt, or other negotiated instrument approved by the County.

**2. Decommissioning<sup>259</sup>**

A large wind energy facility shall be deemed decommissioned if:

- i. A wind turbine that is part of the facility ceases to generate electricity for 180 consecutive days, unless the generation shutdown was required by state or federal law. The County may extend the deadline for no more than 180 days at a time.
- ii. A wind turbine or group of wind turbines that are part of the facility violate the noise level restrictions in subsection (l) below and are not brought into compliance within 180 days of the date of the violation. The County may extend the deadline for compliance one time for no more than 180 days.

**3. Property Restoration<sup>260</sup>**

Within 12 months following the decommissioning of a facility or expansion, the owner of the property shall restore the property to its original condition prior to commencement of activities on the site. This shall include, but not be limited to, the removal of all wind turbines, above-ground equipment, outdoor storage, and any hazardous materials associated with the facility.

**(l) Operational Standards<sup>261</sup>**

Except during inclement weather that prevents the operator of a large wind energy facility from controlling wind turbine noise levels, a wind turbine or group of wind turbines shall not exceed an emission limit at a non-participating landowner's dwelling

<sup>256</sup> Required to be included by T.C.A. § 65-17-105(e)(2)(B)-(C).

<sup>257</sup> Required to be included by T.C.A. § 65-17-105(e)(2)(D)(ii).

<sup>258</sup> Required to be included by T.C.A. § 65-17-105(e)(2)(E).

<sup>259</sup> Required to be included by T.C.A. § 65-17-105(e)(2)(F).

<sup>260</sup> Required to be included by T.C.A. § 65-17-105(e)(2)(G), with additional standards for decommissioning.

<sup>261</sup> Required to be included by T.C.A. § 65-17-105(e)(2)(D)(i).

of 35 A-weighted decibels (dBA) and 45 dBA at a non-participating landowner's property line as determined by a qualified, third-party acoustics expert according to American National Standard Institute (ANSI) Standard 12.9 and other applicable ANSI standards.

**(D) Commercial Uses**

**(1) Adult Business**

**(a) Adult-Oriented Establishment<sup>262</sup>**

No adult-oriented establishment shall be located within 500 feet of another adult-oriented establishment or a child care center, family child care home, group child care home, religious facility, public park, k-12 school, bar or tavern, or liquor store use.

**(2) Animal Kennel<sup>263</sup>**

**(a) Building Standards**

All kennel buildings shall:

1. Be sound proofed with insulated walls, ceilings, and doors.
2. Have smoke and fire alarm systems that are monitored 24 hours per day.
3. Utilize ventilation systems that do not recirculate odors from the animal containment areas and provide those areas with fresh air exchange.
4. Include sealed or nonporous walls and floors.
5. Have sleeping accommodations that are at least 28 square feet in size for each dog and 7.5 square feet in size for each cat.
6. Post an emergency contact number and the maximum animal occupancy at each exit.
7. Be located behind any residential use on the site.

**(b) Setbacks and Screening**

1. All structures and outdoor areas used by animals, such as runs and play and exercise areas, shall be set back a minimum of 400 feet from all lot lines.
2. All outdoor runs shall be confined to a single area of property, with fencing separating any individual runs, and shall provide adequate shelter from rain, direct sun, and snow.
3. All animal confinement areas shall be screened by a solid fence or wall that is at least six feet in height.

**(c) Sanitation Standards<sup>264</sup>**

1. All animals shall be provided with a clean area to lie down and walk around that is free of feces and urine.
2. All animals shall be provided with clean, fresh water at all times.

**(d) Additional Standards**

1. Animals shall be confined within an insulated, sound-proofed building between 10 pm and 6 am.
2. The ratio of animals to staff members shall not exceed 16 to 1.
3. The burial or incineration of animals is prohibited.

<sup>262</sup> This separation requirement is new.

<sup>263</sup> This carries forward the standards in Sec. 4.180 of the Zoning Resolution. The application requirements in Sec. 4.184, Required Supporting Documentation, are not carried forward except for the staffing requirement; these requirements should be determined by the Director and included in a separate Procedures Manual, as discussed in the Code Assessment.

<sup>264</sup> A requirement in the Zoning Resolution that the animal kennel use an on-site wastewater disposal system approved by TDEC is removed as duplicative, as well as because a kennel may use a sanitary sewer system.

4. The facility shall maintain on-site records that provide proof of up-to-date vaccinations for the animals.

**(3) Bar or Tavern<sup>265</sup>**

No bar or tavern shall be located within 500 feet of another bar or tavern, or a child care center, family child care home, group child care home, religious facility, public park, k-12 school, adult-oriented establishment, or liquor store use.

**(4) Bed and Breakfast Homestay<sup>266</sup>**

**(a) Dimensional Standards**

1. The minimum lot size for a bed and breakfast homestay is five acres.
2. Bulk regulations that apply to a residential use in the zone district in which the use is located shall apply to the bed and breakfast homestay.

**(b) Approval Requirements**

The following approvals shall be secured before submitting, and supporting documentation submitted with, an application for a special exception permit for a bed and breakfast homestay:

1. The applicant shall secure a permit for the bed and breakfast homestay from the Tennessee Department of Health in accordance with TCA §§ 68-14-501 *et seq.*, the Bed and Breakfast Establishment Inspection Act of 1990.<sup>267</sup>
2. If not on a sanitary sewer system, the bed and breakfast homestay shall use an on-site wastewater disposal system approved by TDEC, and the applicant shall provide the County with the TDEC approval which states the capacity of the approved system.
3. The applicant shall provide a letter from the water utility which states that water service is available at the site and the proposed design capacity.
4. The applicant shall obtain a County business license.

**(c) General Standards**

1. The operator shall acquire all applicable permits required to serve food and beverages.
2. No more than three rooms shall be available to rent.
3. Guest rooms shall be established and be maintained distinct and separate from the owner-occupant's and resident occupant's quarter(s).
4. Only one daily meal service, at breakfast, shall be provided to paying guests. Meal service shall be restricted to overnight guests.
5. The use shall comply with the requirements of the Tennessee Department of Health.
6. Cooking facilities are prohibited in guest rooms.
7. The maximum length of stay for a paying guest is 14 consecutive days.
8. The owner of the establishment is required to pay the hotel/motel tax to the County Trustee.

**(d) Development Standards**

1. The site must use an on-site wastewater disposal system.
2. No more than one off-street parking space shall be provided for each guest room. The parking shall be sited and screened using a fence, wall, landscaping,

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<sup>265</sup> This separation requirement is new.

<sup>266</sup> This carries forward the standards in Sec. 4.220 of the Zoning Resolution. Some application details are not carried forward. The requirement of an on-site innkeeper is part of the definition (which is adapted from state law) and has not been duplicated as a standard.

<sup>267</sup> This simplifies the pre-submission requirements in Sec. 4.221(4) and (5) of the Zoning Resolution and includes a reference to relevant state law.

or other screening material to mitigate surrounding residential properties from the visual and noise impacts of off-street vehicle parking.

3. The bed and breakfast homestay may include a maximum of one sign with no more than nine square feet of sign area.<sup>268</sup>

**(5) Travel Trailer Park<sup>269</sup>**

**(a) Permitted Uses**

A travel trailer park shall be used only for the following:

1. The parking and temporary occupancy of travel trailers and similar transportable units such as recreational vehicles, for a maximum of 30 consecutive days. No travel trailer shall be parked or stored except in a travel trailer space. Mobile homes are prohibited; and
2. Accessory uses that support the travel trailer site such as administrative offices and recreational uses intended for the occupants of the travel trailers and other vehicles parked on site are allowed.

**(b) Dimensional Standards**

The dimensional standards in Table 4-6 apply to travel trailer parks and to each space within the travel trailer park that is designed for occupancy by a travel trailer:

<b>Table 4-6: Travel Trailer Park Dimensional Standards</b>			
<b>Travel Trailer Park</b>		<b>Travel Trailer Space</b>	
<b>Standard</b>	<b>Value</b>	<b>Standard</b>	<b>Value</b>
Lot Area, min	[1]	Lot area, min (sf)	2,500
<b>Setbacks, min (ft)</b>		<b>Separation between trailers, min (ft)</b>	
<i>Front</i>	50	<i>End of trailers</i>	20 ft
<i>Side</i>	30	<i>Front/rear of trailers</i>	30
<i>Rear</i>	30	Setback, front (ft)	10 [2]

*min = minimum ft = feet sf = square feet*

**NOTES:**

- [1] The travel trailer park shall be adequately sized to accommodate a sewage disposal system approved by the County Health Department or TDEC, as applicable, and at least two acres minimum.
- [2] This is the minimum distance each travel trailer shall be set back from the edge of the private street.

**(c) Travel Trailer Space Standards**

Each travel trailer space shall:

1. Abut and have access to a private street within the travel trailer park;
2. Not have access to a public street; and
3. Comply with the number of parking spaces required for the travel trailers in accordance with the minimum requirements in Section 5.2, Off-Street Parking and Loading Standards. In lieu of the parking space surfacing requirements in Sec. 5.2.5(C), Surfacing and Drainage, each parking space may be paved with a material such as crushed stone or gravel provided it is well maintained and

<sup>268</sup> The current regulations, in Sec. 4.222(12) of the Zoning Resolution, state that the sign “may display the name and/or address of the owner or name of the bed and breakfast establishment.” We have removed this requirement as it may violate the First Amendment to the U.S. Constitution as interpreted by Reed v. Gilbert.

<sup>269</sup> These are updated standards for a use carried forward from the Zoning Resolution. Dimensional standards are updated, private streets are permitted to use surfacing other than asphalt, concrete, or other materials used for public roads, and new requirements are included for solid and liquid waste facilities to reflect that travel trailers may not be hooked up to water and sewer services.

renewed or replaced as reasonably necessary to maintain a neat and orderly appearance.

**(d) Required Improvements**

1. Streets within the travel trailer park shall be paved with gravel and shall be at least 15 feet in width if accommodating one-way traffic, or 20 feet in width if accommodating two-way traffic. On-street parking shall be prohibited unless the streets include additional paved right-of-way width as required by the Building Official. All streets within the travel trailer park shall be private streets and shall not be accepted as public streets.
2. The travel trailer park, including each travel trailer space, shall be properly graded with a positive drainage flow away from buildings on the site.
3. Solid waste collection facilities shall be provided for the benefit of residents of the travel trailer park. The operator of the travel trailer park shall maintain each solid waste collection facility in a neat and orderly condition with no overflowing refuse and shall meet County health requirements. Refuse shall be stored in containers with tight-fitting covers that are adequate in size to accommodate the amount of refuse reasonably anticipated to be generated by the occupants of the travel trailer park. The operator of the travel trailer park shall provide for the collection of waste from the collection facilities as frequently as needed to comply with the standards of this section.
4. The travel trailer park shall be served by a water supply system adequate to ensure fire protection, and each travel trailer park site shall be provided with access to a water supply.
5. The travel trailer park shall be served by a sewage disposal system. The system shall include a centralized collection and disposal system that disposes of liquid waste from travel trailers, and may include sanitary sewer connections at some or all travel trailer spaces. If available, a public sanitary sewer system shall be used; otherwise, the sanitary sewer system shall be approved by the County Health Department or TDEC, as applicable.
6. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures and shall comply with all applicable codes.

**(6) Amphitheater<sup>270</sup>**

- (a) An amphitheater shall be situated on the site in a way that minimizes the effects of lighting and noise on surrounding properties.
- (b) An amphitheater shall comply with the following dimensional requirements:
  1. The minimum lot size shall be five acres.
  2. The lot shall have at least 300 feet of frontage on an arterial street at the point of access.
  3. All structures shall be set back at least 400 feet from any adjoining property line.
- (c) All points of vehicular access shall be from arterial streets and located to minimize vehicular traffic to and through local streets in residential areas.
- (d) Permanent restroom facilities shall be provided to accommodate the maximum number of simultaneous employees, nonemployees, and visitors anticipated on the site and shall meet the plumbing fixture gender parity requirements established in the current edition of the International Plumbing Code adopted by the County.
- (e) Except for parking spaces required for ADA compliance, which shall comply with the paving and dimensional standards in Section 5.2, Off-Street Parking and Loading Standards, the Director may, for all required vehicular parking other than accessible parking spaces, allow surfacing with gravel, grass, or similar materials if the applicant

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<sup>270</sup> These are new standards.

demonstrates that the surface will be capable of accommodating anticipated traffic loading stresses and commits to maintenance of the surface.

(f) All events shall end by midnight.

**(7) Fleet Fuel Depot<sup>271</sup>**

(a) The site shall have at least 200 feet of frontage on, and direct vehicular access to, a street with a right-of-way width of at least 50 feet.

(b) Gasoline pumps, other service appliances, and any buildings shall be set back at least 50 feet from the street right-of-way.

(c) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.

(d) No storage or parking space shall be offered for rent.

**(8) Gas Station<sup>272</sup>**

(a) Except for canopies designed to cover gasoline pump islands, all buildings and other structures shall be set back at least 40 feet from street rights-of-way.

(b) Gasoline pumps shall be set back at least 15 feet from street rights-of-way.

**(E) Industrial Uses**

**(1) Brewery, Distillery, or Winery<sup>273</sup>**

**(a) General**

Except as provided in subsection (b) below, the standards in Section 4.2.4(A)(1), Farm Winery, apply to brewery, distillery, and winery uses.

**(b) Minimum Lot Size of Winery Use**

In the AF district, the minimum lot size is 25 acres. Multiple contiguous parcels shall be consolidated into a single parcel that complies with the minimum lot size before the use may begin operation.

**(2) Junk or Salvage Yard<sup>274</sup>**

**(a) Purpose**

A junk or salvage yard may have visual, noise, dust, traffic, odor, and other impacts on surrounding properties and on the values of nearby properties. The purpose of this section is to include design standards that mitigate the impacts of these uses on nearby property.

**(b) Minimum Lot Size**

The minimum lot size is 10 acres.

**(c) Screening**

All outdoor storage of junk, salvage, and wrecking operations shall be conducted entirely within an area enclosed by a fence or wall between eight and 12 feet in height. The fence or wall shall be maintained in good condition. Items within the outdoor storage area shall not be stacked higher than the height of the fence or wall.<sup>275</sup>

**(d) Access and Egress**

Driveways shall be no greater than 25 feet in width, exclusive of curb returns, and the use shall have:

<sup>271</sup> These are new standards for a new use.

<sup>272</sup> This carries forward the standards in Sec. 4.060 of the Zoning Resolution. References to the general sign standards are not included.

<sup>273</sup> This carries forward the standards in Section 4.2000 of the Zoning Resolution.

<sup>274</sup> This carries forward and updates for clarity the standards in Sec. 4.110 of the Zoning Resolution.

<sup>275</sup> The limitation on the height of outdoor storage is new.



1. One driveway if the lot's street frontage is 100 feet or less; or
2. One or two driveways if the lot's street frontage is greater than 100 feet.

**(e) Setbacks and Separation**

1. All structures and operations associated with this use shall be set back:
  - i. At least 150 feet from the property line of a non-industrial and non-residential use; and
  - ii. At least 300 feet from any public road.
2. The use shall only be located on a site at least 1,000 feet from the nearest lot line of a property in a Residential zone district or property with a residential use.

**(f) Operational Standards**

1. Junk or salvage piles shall not exceed 15 feet in height and shall be arranged with interior drives to allow for adequate fire protection.
2. Burning of junk or other materials is prohibited.
3. Any yard shall be maintained in a sanitary condition so as not to be a menace to public health or safety. All motor vehicles shall be stored or kept to minimize areas where mosquitoes may breed, and areas in which rats, mice, or other vermin may be harbored, reared, or propagated.

**(3) Construction and Demolition Landfill, Private**

A private construction and demolition landfill shall comply with the following standards:

**(a) Lot Area**

The use shall be on a lot at least five acres in size.

**(b) Street Access**

1. Access to the site may be from any street, including a local street that is not bounded by a Residential zone district from the driveway to the local street's intersection with a collector or arterial street.
2. The applicant for the use shall prepare a traffic impact study that demonstrates the traffic generated by the site will only use streets with a Level of Service (LOS) of "D" or better, and that the LOS will remain "D" or better including traffic generated by the proposed use.

**(c) Setbacks and Separation**

1. All buildings, structures, storage containers and areas, and vehicle loading and unloading areas shall be set back:
  - i. At least 100 feet from a lot line;
  - ii. At least 250 feet from any Residential zone district;
  - iii. At least 500 feet from the lot line of any property that contains a Residential use; and
  - iv. At least 1,000 feet from any waterway listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act, measured from top of bank.
2. The site shall be at least 2,000 feet from the nearest lot line of a property with a school or park use.

**(d) Buffer**

In addition to complying with the standards in Sec. 5.3.8, Perimeter Buffers, the entire facility shall be enclosed by a chain link-type fence at least eight feet in height. The fence shall be patrolled each day to remove windblown debris captured by the fence.

**(e) Accessory Recycling Facility**

If located on the same lot as the construction and demolition landfill, a recycling facility shall be permitted as an accessory use provided it accepts construction/demolition



waste only. All loading, unloading, compacting, sorting, processing, and storage shall take place within a completely enclosed building.

**(f) Additional Approval Required**

Prior to submitting an application for a major site plan for a private construction and demolition landfill to the Planning Commission in accordance with Sec. 2.5.5, Site Plan (Minor or Major), the applicant shall secure approval of the use by the County Commission and any applicable local government in accordance with T.C.A. § 67-211-701, *et seq.*, and from any applicable local or regional solid waste board.

**(4) Recycling Facility, Private<sup>276</sup>**

A private recycling facility shall comply with the following standards:

**(a) Lot Area**

The use shall be on a lot at least one acre in size.

**(b) Street Access**

1. Access to the site may be from any street, including a local street only if the street is not bounded by a residential zone district from the driveway to the local street's intersection with a collector or arterial street.
2. The applicant for the use shall prepare a traffic impact study that demonstrates the traffic generated by the site will only use streets with a Level of Service (LOS) of "D" or better, and that the LOS will remain "D" or better including traffic generated by the proposed use.

**(c) Setbacks**

All buildings, structures, storage containers and areas, and vehicle loading and unloading areas shall be set back:

1. At least 150 feet from a lot in a Residential zone district or a lot that contains a Residential use.
2. At least 1,000 feet from any waterway listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act, measured from top of bank.

**(d) Buffer**

In addition to complying with the standards in Sec. 5.3.8, Perimeter Buffers, the use shall comply with the following:

1. When abutting land in a Residential zone district or a lot with a Residential use, the site shall be enclosed by an opaque wall at least eight feet in height that is located between the facility and the buffer required by Sec. 5.3.8, Perimeter Buffers.
2. When abutting land that is not in a Residential zone district and that does not have a Residential use, the entire facility shall be enclosed by a chain link-type fence at least eight feet in height. The fence shall be patrolled each day to remove windblown debris captured by the fence.

**(e) Limitation on Sorting, Storage, and Processing Activities**

1. All compacting, sorting, processing, or storage shall take place within a completely enclosed building. All enclosed areas shall have concrete floors or floors made of some other hard material that is easily cleanable.
2. All loading and unloading shall take place:
  - i. On a partially enclosed loading dock, when the loading dock connects directly to the completely enclosed building in which compacting, sorting, processing or storage takes place; or

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<sup>276</sup> These new standards for recycling centers operated by government are not subject to these standards.

- ii. Within a completely enclosed building. If a recycling facility utilizes a loading dock for loading and unloading, the loading dock shall not be used for storage and shall be cleaned of all materials at the close of each business day. The areas around loading docks and other high-traffic areas shall be paved.

**(f) Hours of Operation**

The hours of operation for a recycling facility located adjacent to a Residential zone district shall be limited to between 7 am and 6 pm.

**(g) Use Limitations**

This use shall not involve the recycling, repurposing, or processing of tires, hazardous materials, or medical waste.

**(h) Additional Approvals**

Prior to submitting an application for a major site plan for a private recycling facility to the Planning Commission in accordance with Sec. 2.5.5, Site Plan (Minor or Major), the applicant shall secure approval of the use by the County Commission and any applicable local government in accordance with T.C.A. § 67-211-701, *et seq.*, and from any applicable local or regional solid waste board.

**(5) Sanitary Landfill, Private**

A private sanitary landfill shall comply with the following standards:

**(a) Lot Area**

The use shall be on a lot at least 100 acres in size.

**(b) Street Access**

1. Access to the site shall be from a street with a street with an arterial or higher classification, or from a collector street only if it is not bounded by a Residential zone district from the driveway to the local street's intersection with a collector or arterial street.
2. The applicant for the use shall prepare a traffic impact study that demonstrates the traffic generated by the site will only use streets with a Level of Service (LOS) of "D" or better, and that the LOS will remain "D" or better including traffic generated by the proposed use.

**(c) Setbacks and Separation**

1. All buildings, structures, storage containers and areas, and vehicle loading and unloading areas shall be set back:
  - i. At least 100 feet from a lot line;
  - ii. At least 250 feet from any Residential zone district;
  - iii. At least 500 feet from the lot line of any property that contains a Residential use; and
  - iv. At least 1,000 feet from any waterway listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act, measured from top of bank.
2. The site shall be at least 2,000 feet from the nearest lot line of a property with a school or park use.

**(d) Use Limitations**

This use shall not accept any hazardous or medical waste.

**(e) Additional Approvals**

Prior to submitting an application for a major site plan for a sanitary landfill to the Planning Commission in accordance with Sec. 2.5.5, Site Plan (Minor or Major), the applicant shall secure approval of the use by the County Commission and any

applicable local government in accordance with T.C.A. § 67-211-701, *et seq.*, and from any applicable local or regional solid waste board.

**(6) Transfer Station, Private**

A private transfer station shall comply with the following standards:

**(a) Lot Area**

The use shall be on a lot at least one acre in size.

**(b) Street Access**

1. Access to the site shall be from a street with a collector or higher classification.
2. The applicant for the use shall prepare a traffic impact study that demonstrates the traffic generated by the site will only use streets with a Level of Service (LOS) of "D" or better, and that the LOS will remain "D" or better including traffic generated by the proposed use.

**(c) Setbacks and Separation**

1. All buildings, structures, storage containers and areas, and vehicle loading and unloading areas shall be set back:
  - i. At least 100 feet from a lot line;
  - ii. At least 250 feet from any Residential zone district;
  - iii. At least 500 feet from the lot line of any property that contains a Residential use; and
  - iv. At least 1,000 feet from any waterway listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act, measured from top of bank.
2. The use shall only be located on a site at least 2,000 feet from the nearest lot line of a property with a school or park use.

**(d) Buffer**

In addition to complying with the standards in Sec. 5.3.8, Perimeter Buffers, the use shall comply with the following:

1. When abutting land in a Residential zone district or a lot with a Residential use, the site shall be enclosed by an opaque at least eight feet in height that is located between the facility and the buffer required by Sec. 5.3.8, Perimeter Buffers.
2. When abutting land that is not in a Residential zone district and that does not have a Residential use, the entire facility shall be enclosed by a chain link-type fence at least eight feet in height. The fence shall be patrolled each day to remove windblown debris captured by the fence.

**(e) Limitation on Sorting, Storage, and Processing Activities**

1. All compacting, sorting, processing, or storage shall take place within a completely enclosed building. All enclosed areas shall have concrete floors or floors made of some other hard material that is easily cleanable.
2. All loading and unloading shall take place:
  - i. On a partially enclosed loading dock, when the loading dock connects directly to the completely enclosed building in which compacting, sorting, processing, or storage takes place; or
  - ii. Within a completely enclosed building. If the transfer station utilizes a loading dock for loading and unloading, the loading dock shall not be used for storage and shall be cleaned of all materials at the close of each business day. The areas around loading docks and other high-traffic areas shall be paved.

**(f) Vehicular Stacking and Maneuvering**

In addition to the standards in Sec. 5.2.9, Off-Street Loading Area Standards, the site shall provide on-site truck stacking and maneuvering areas adequate to accommodate the anticipated vehicular usage of the transfer station, depending upon the size and nature of the facility. The stacking and maneuvering area shall be completely screened by solid masonry walls at least six feet in height with appropriate landscaping. No truck stacking and maneuvering area shall be permitted within the required front and side setbacks.

**(g) Operational Standards**

1. The hours of operation for a transfer station located adjacent to a Residential zone district shall be limited to between 7 am and 6 pm.
2. Any water flow resulting from the use of wash facilities shall be contained on site and disposed of through an on-site drainage system, in accordance with applicable County and state regulations, including any required NPDES permits.
3. Material recovery facilities may be permitted in conjunction with a solid waste transfer station.
4. No solid waste may be stored overnight. Recyclables may be stored overnight within appropriate storage containers or bales stored inside the enclosed facilities.
5. All incoming or outgoing trucks shall be equipped with and utilize a proper cover.

**(h) Use Limitations**

This use shall not involve the recycling, repurposing, or processing of tires, hazardous materials, or medical waste.

**(i) Additional Approvals**

Prior to submitting an application for a major site plan for a transfer station to the Planning Commission in accordance with Sec. 2.5.5, Site Plan (Minor or Major), the applicant shall secure approval of the use by the County Commission and any applicable local government in accordance with T.C.A. § 67-211-701, *et seq.*, and from any applicable local or regional solid waste board.

**(7) Waste Processing or Recycling Recovery Facility, Private**

A private waste processing or recycling recovery facility shall comply with the following standards:

**(a) Lot Area**

The use shall be on a lot at least five acres in size.

**(b) Street Access**

1. Access to the site may be from any street, including a local street only if it is not bounded by a Residential zone district from the driveway to the local street's intersection with a collector or arterial street.
2. The applicant for the use shall prepare a traffic impact study that demonstrates the traffic generated by the site will only use streets with a Level of Service (LOS) of "D" or better, and that the LOS will remain "D" or better including traffic generated by the proposed use.

**(c) Setbacks and Separation**

1. All buildings, structures, storage containers/areas, and vehicle loading and unloading areas shall be set back:
  - i. At least 100 feet from a lot line;
  - ii. At least 250 feet from any Residential zone district;
  - iii. At least 500 feet from any property that contains a Residential use; and

- iv. At least 1,000 feet from any waterway listed by TDEC as an impaired waterway in accordance with Section 303(d) of the Clean Water Act, measured from top of bank.
2. The use shall only be located on a site at least 2,000 feet from the nearest lot line of a property with a school or park use.

**(d) Buffer**

In addition to complying with the standards in Sec. 5.3.8, Perimeter Buffers, the entire facility shall be enclosed by a chain link-type fence at least eight feet in height. The fence shall be patrolled each day to remove windblown debris captured by the fence.

**(e) Limitation on Sorting, Storage, and Processing Activities**

All loading, unloading, compacting, sorting, processing or storage shall take place within a completely enclosed building.

**(f) Operation Plan**

The application for a site plan for a waste processing or recycling recovery facility shall include an operations plan that identifies the following:

**1. Waste Manager**

The plan shall designate and identify a person who will be responsible for all waste management, and shall provide the individual's name, title, mailing address, e-mail address, fax number (if available), and a phone number that is always answered to respond and handle all concerns involving the site's recycling methods, processes, materials, and flow of debris on and off-site.

**2. Operations Detail**

The plan shall describe the operation of the facility with specificity, including but not limited what materials will be accepted, the number of employees, storage of unprocessed materials, and number of vehicles expected to enter or exit the facility on a daily basis. If hazardous waste will be collected, processed, or stored, the plan shall describe the measures that will be taken to properly store the materials, how long they will be stored, and what those hazardous materials consist of, and demonstrate that all state and federal permits have been received. Specifically, the operation plan shall include:

- i. The type and estimated quantity of materials, including putrescible waste, to be generated, recovered, reused, salvaged, separated, and processed on-site as well as off-site, including those materials that will be sold on the premises or off-site;
- ii. The on-site separation and storage methods to ensure salvaged materials are not contaminated before being reused on-site, transferred to an off-site location for further salvage or storage, or sold or given away to other entities;
- iii. The method and frequency of collection materials;
- iv. The number of cubic yards to be stored on-site at any one time of processed and unprocessed materials;
- v. The on-site storage method for each of the types of materials noted above;
- vi. The on-site storage location for each of the types of materials noted above;
- vii. The recycling facilities and landfills that will receive the types of materials noted above;
- viii. The hauling companies that will transport the types of materials noted above; and
- ix. A description of the on-site storage method and off-site transport methods that will be used to prevent dirt and materials from creating drift or becoming airborne, producing odors, leaking, littering, or generating runoff due to wet

conditions due to weather or man-made activities so as not to create a health hazard, public nuisance, or fire hazard.

**3. Hours of Operation**

The plan shall indicate the facility's hours of operation. The hours of operation for a recycling facility located adjacent to a Residential zone district shall be limited to between 7 am and 6 pm.

**4. Trash Dumpsters**

The plan shall indicate the location of all trash dumpsters on the property for waste not to be recovered or generated.

**5. Security**

The plan shall describe how the property will be secured to prevent illegal theft of materials and dumping, including details of exterior lighting.

**(g) Sale of Materials**

Materials from the site that have been recycled, salvaged, recovered, or excavated may be given away, sold on the premises, or removed for reuse.

**(h) Compliance with Local, State, and Federal Law**

All operations and activities shall comply with all TDEC rules and regulations and all other applicable local, state, and federal laws and regulations.

**(i) Additional Approvals**

Prior to submitting an application for a major site plan for a waste processing or recycling recover facility to the Planning Commission in accordance with Sec. 2.5.5, Site Plan (Minor or Major), the applicant shall secure approval of the use by the County Commission and any applicable local government in accordance with T.C.A. § 67-211-701, *et seq.*, and from any applicable local or regional solid waste board.

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## Section 4.3 Accessory Uses and Structures

### 4.3.1. General

**(A) Purpose and Intent**

The purpose of this Section is to authorize the establishment and continuation of accessory uses and structures, which are uses and structures that are incidental and customarily subordinate to principal uses.

**(B) Organization of this Section**

Table 4-7: Accessory Use and Structure Table, identifies accessory uses and structures and the zone districts in which they are allowed. Section 4.3.3, Standards for All Accessory Uses and Structures, establishes general standards applicable to all accessory uses and structures. Section 4.3.4, Standards Specific to Accessory Uses and Structures, sets out particular standards applicable to specific accessory uses and structures.

### 4.3.2. Accessory Use/Structure Table

**(A) Organization and Applicability**

Table 4-7: Accessory Use and Structure Table, lists accessory uses and structures in alphabetical order.

**(B) Explanation of Table and Abbreviations**

For each listed accessory use or structure in Table 4-7, the first column of each row identifies its name. The entries in the cells formed by the intersection of a zone district column and an accessory use or structure row indicate whether an accessory use or structure is permitted in a particular zone district, as follows:



- (1) **Accessory Uses and Structures Permitted By-Right**
  - (a) “P” in a cell other than a PD district column indicates that the accessory use or structure is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
  - (b) “A” in a cell in a PD district column means that the accessory use or structure is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.4.2(E), Planned Development (PD) Plan, and Section 3.4.2(F), Planned Development (PD) Agreement.

(2) **Prohibited Uses**  
A blank cell indicates that the accessory use or structure is prohibited in the zone district.

(3) **Use-Specific Standards**  
A particular accessory use or structure may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.3.4, Standards Specific to Accessory Uses and Structures, that apply to the accessory use or structure.

(4) **Definitions**  
Accessory uses and structures are defined in Section 8.5, Definitions.

(C) **Unlisted Uses**  
The Director shall determine whether an unlisted accessory use is similar to an accessory use identified in Table 4-7: Accessory Use and Structure Table, in accordance with 2.5.17, Interpretation. In making the interpretation, the Director shall consider the following:

- (1) Accessory uses identified in Table 4-7: Accessory Use and Structure Table;
- (2) The definition of accessory uses and structures (see Section 8.5, Definitions), and the general accessory use and structure standards established in Section 4.3.3, Standards for All Accessory Uses and Structures;
- (3) The additional standards for specific accessory uses established in Section 4.3.4, Standards Specific to Accessory Uses and Structures;
- (4) The purpose and intent of the zone district in which the accessory use or structure is located (see Article 3: Zone Districts);
- (5) Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses or structures permitted in the zone district; and
- (6) The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses permitted in the zone district.

(D) **Accessory Use and Structure Table**  
The accessory use and structure table is established in Table 4-7: Accessory Use and Structure Table.

<b>Table 4-7: Accessory Use and Structure Table</b>														
P = Permitted		A = Allowed in PD				S = Special Exception				Blank = Not Permitted				
Use Category/Type	Zone Districts													Use-Specific Standards
	Ag./Res.				Commercial					PD				
	AP	RR	RG	RN	CRC	CN	CC	COR	O	IM	IH	PD		
Accessory dwelling unit <sup>277</sup>														

<sup>277</sup> This is included as a placeholder for discussion purposes.



<b>Table 4-7: Accessory Use and Structure Table</b>														
P = Permitted    A = Allowed in PD    S = Special Exception    Blank = Not Permitted														
Use Category/Type	Zone Districts												Use-Specific Standards	
	Ag./Res.				Commercial							PD		
	AP	RR	RG	RN	CRC	CN	CC	COR	O	IM	IH	PD		
Antenna <sup>278</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
Automated teller machine (ATM) <sup>279</sup>					P	P	P	P	P	P	P	P	A	
Caretaker dwelling <sup>280</sup>								P	P	P	P	P	A	
Carport or garage <sup>281</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
Drive-through facility <sup>282</sup>					P		P	P	P	P	P	P	A	4.3.4(A)
Electric vehicle level 1 or 2 charging station <sup>283</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
Electric vehicle level 3 charging station <sup>284</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
Family burial ground <sup>285</sup>	P	P	P	P	P	P	P	P					A	4.3.4(B)
Greenhouse <sup>286</sup>	P	P	P	P									A	
Home occupation <sup>287</sup>	P	P	P	P									A	4.3.4(C)
Limited wood assembly <sup>288</sup>	S												A	4.3.4(D)
Outdoor display of merchandise <sup>289</sup>					P	P	P	P	P				A	4.3.4(E)
Outdoor seating or activity area <sup>290</sup>	P				P	P	P	P	P	P	P	P	A	4.3.4(F)
Outdoor storage area <sup>291</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
Satellite dish, accessory <sup>292</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
Solar energy conversion system, small-scale <sup>293</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.4(G)
Stable, accessory <sup>294</sup>	P	P											A	
Storage building <sup>295</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	
Swimming pool <sup>296</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.4(H)
Wind energy conversion system, small <sup>297</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.4(I)

<sup>278</sup> This is defined in the Zoning Resolution but not listed as a use separate from communication towers and antennas.

<sup>279</sup> This is a new use.

<sup>280</sup> This renames the use “Attached or detached single family dwelling or mobile home for residential occupancy of the owner or employee of the permitted C-2 commercial use. Residential use must be subordinate to the commercial use of the property.”

<sup>281</sup> This is a new use.

<sup>282</sup> This is a new, separate accessory use.

<sup>283</sup> This is a new use.

<sup>284</sup> This is a new use.

<sup>285</sup> This is a new use.

<sup>286</sup> This is a new use.

<sup>287</sup> This is an existing use permitted in residential dwellings.

<sup>288</sup> This is an existing use permitted as a special exception in the A-1 district.

<sup>289</sup> This is a new use.

<sup>290</sup> This is a new use.

<sup>291</sup> This is a new use.

<sup>292</sup> This is a new use.

<sup>293</sup> This is a new use.

<sup>294</sup> This is a new, separate accessory use.

<sup>295</sup> This is a new use.

<sup>296</sup> This is an existing use.

<sup>297</sup> This is a new use.

### 4.3.3. Standards for All Accessory Uses and Structures

- (A) All accessory uses and structures shall conform to the applicable requirements of this Ordinance, including the standards for the zone district in which they are located (see Article 3: Zone Districts), the use regulations in this article, and the development standards in Article 5: Development Standards.<sup>298</sup>
- (B) All accessory uses and structures shall:<sup>299</sup>
  - (1) Be customarily accessory and clearly incidental to the principal use and structure;
  - (2) Be subordinate to and serve the principal use and structure; and
  - (3) Be subordinate in area, intent, and purpose to the principal use and structure.

### 4.3.4. Standards Specific to Accessory Uses and Structures

#### (A) Drive-Through Facility<sup>300</sup>

- (1) Internal traffic circulation patterns on the site shall not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site.
- (2) Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- (3) Stacking lanes shall be provided in accordance with Sec. 5.2.8, Vehicle Stacking Standards.<sup>301</sup>
- (4) No portion of a drive-through facility shall be located within 50 feet of a Residential zone district or a lot containing a Residential use.

#### (B) Family Burial Ground<sup>302</sup>

A family burial ground is permitted on a site where there is a current residential use, subject to the following standards:

- (1) The minimum lot size shall be five acres.
- (2) All graves or burial lots shall be set back at least 50 feet from a lot line and 100 feet from any public right-of-way, and shall be set back at least 10 feet from any other building or structure on the site.
- (3) Before the use may be initiated, the property owner shall file with the Maury County Register of Deeds an amended deed for the lot on which the family burial ground is located that identifies the portion of the lot that will be used for the family burial ground.
- (4) The family burial ground shall comply with all requirements in Title 46, Cemeteries, T.C.A.

#### (C) Home Occupation<sup>303</sup>

##### (1) Home Occupation Standards

- (a) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the property.

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<sup>298</sup> This is a new standard that requires compliance with the general regulations of this Ordinance.

<sup>299</sup> This builds on Sec. 3.070 of the Zoning Resolution.

<sup>300</sup> These are new, basic standards for drive-throughs.

<sup>301</sup> This will be a reference to the parking lot/stacking configuration standards which will be included in Section 5.2, Off-Street Parking and Loading Standards.

<sup>302</sup> These are new standards for a new use.

<sup>303</sup> As discussed in the Code Assessment (page II-19 through II-20), this simplifies the Home Occupation standards in Section 4.040 of the Zoning Resolution. Instead of the separate Type I (Minor) home occupations and Type II (Major) home occupations procedures and standards, the updated ordinance includes a single set of performance-based requirements that can be approved by right, subject to enforcement proceedings under the ordinance if the standards are violated.

- (b) The only persons who may engage in the home occupation on the site of the residential dwelling unit are members of the family residing on the premises, and one additional person.
  - (c) The site shall not be a storage facility for a business conducted elsewhere, and shall not serve as a gathering place for employees, vehicles, or equipment engaged in business that takes place off the premises.
  - (d) The home occupation shall not generate traffic in greater volumes than would normally be expected in the residential area where the home occupation is located. Any need for parking generated by the home occupation shall be met between the principal building on the site and the rear yard.
  - (e) No signage is permitted beyond the signage authorized for the residential use in Section 5.12, Sign Standards.
  - (f) One accessory structure is permitted to be used in the home occupation. The accessory structure shall be located between the principal building on the site and the rear yard. The accessory structure shall not be altered in any way that is incompatible with the residential dwelling. The maximum floor area of the accessory structure used in the home occupation shall be:
    - 1. On a lot five acres or larger, 2,000 square feet or 75 percent of the floor area of the residential dwelling, whichever is less;
    - 2. On a lot two acres or larger but less than five acres, 1,000 square feet or 75 percent of the floor area of the residential dwelling, whichever is less; and
    - 3. On a lot smaller than two acres, 500 square feet.
  - (g) All materials, goods, or equipment used in the home occupation shall be stored within the dwelling or the accessory structure. Outdoor storage of materials, goods, or equipment used in the home occupation is prohibited.
  - (h) No more than one commercial vehicle, not exceeding 24 feet in length, may be stored on site.
  - (i) No more than three vehicles of non-resident employees or clients may be parked on the site at one time.
  - (j) The home occupation shall not generate noise, vibration, odor, discharge of materials, fluids, gasses, excessive lighting, glare, fumes, electrical interference, or any similar activity that causes a nuisance to nearby property owners or that adversely affects their health, safety, or tranquility.
  - (k) Outdoor lighting shall comply with the standards in Section 5.4, Exterior Lighting Standards.
  - (l) Hazardous materials may not be stored on site.
  - (m) If required, the owner of the home occupation shall obtain a business license from the County.
- (2) **Prohibited Home Occupations**<sup>304</sup>
- Notwithstanding subsection (1) above, the following use types may not be operated as home occupations:
- (a) Animal kennels;
  - (b) Use types in the Funeral Services Category;
  - (c) Use types in the Adult Business category;
  - (d) Use types in the Food and Beverage Services category;
  - (e) Use types in the Vehicle-Related Uses category;
  - (f) Retail sales establishment uses, except for the sale of hand-made goods made on the premises. and

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<sup>304</sup> This builds on the list of prohibited home occupations in Sec. 4.040 of the Zoning Resolution and further excludes uses in the Industrial use classification.

(g) Use types in the Industrial Uses classification.

**(3) Permitted Home Occupations**

The following non-exhaustive list of use types are specifically permitted as home occupations, subject to the standards in subsection (1) above:

- (a) Animal grooming;
- (b) General office use types; and
- (c) Small-scale personal services establishment uses, such as barber or beauty services, nail salons, and the like;

**(D) Limited Wood Assembly<sup>305</sup>**

**(1) Minimum Lot Size**

The minimum lot size is five acres.

**(2) Setbacks**

A limited wood assembly activity shall be set back at least 300 feet from the front property line, and at least 100 feet from all other property lines.

**(3) Floor Area and Employee Limitations**

All limited wood assembly activities shall take place in a single accessory building. The total floor area of the accessory building in which the limited wood assembly activities take place, the total area on the site devoted to the limited wood assembly activity (including for example the accessory building, storage sheds, outside storage, parking, and areas for loading and unloading), and the number of employees on site shall not exceed the limits set forth in Table 4-8: Limited Wood Assembly Area Limits, based on the size of the property on which the activity takes place.

<b>Table 4-8: Limited Wood Assembly Area Limits</b>			
<b>Property Size</b>	<b>Maximum Floor Area, Accessory Building</b>	<b>Maximum Total Activity Area</b>	<b>Maximum Number of Employees</b>
Fewer than 5 acres	Not permitted	Not permitted	n/a
At least 5, up to 10 acres	2,500 square feet	1 acre	5
At least 10, up to 15 acres	3,750 square feet	2 acres	6
At least 15, up to 20 acres	5,000 square feet	3 acres	7
At least 20, up to 25 acres	7,500 square feet	4 acres	8
25 or more acres	10,000 square feet	5 acres	9 [1]

**NOTES:**

[1] On properties larger than 25 acres in size, one additional employee is permitted for every five additional acres of lot size, up to a maximum total of 15 employees for a lot that is 55 acres or larger.

**(4) Development Standards**

- (a) No loading or unloading activity or parking associated with the limited wood assembly shall take place on a public street or public right-of-way.
- (b) All outside storage shall be located to the rear of the accessory building in which the activity takes place.
- (c) All limited wood assembly activities shall be screened from the street and from adjoining properties using a slatted fence.<sup>306</sup>
- (d) One non-illuminated sign with a maximum sign area of 32 square feet is permitted.

<sup>305</sup> This carries forward the standards in Sec. 4.400 of the Zoning Resolution with reorganization and updating for clarity. We have not carried forward the provision in Sec. 4.400(m) regarding a review by the Board of Zoning Appeals every two years. The approval process referenced in Sec. 4.400(l), which involves a site plan approved by the Planning Commission, will be addressed in a later module.

<sup>306</sup> Requirement for a slatted fence is new.

**(5) Operational Standards**

- (a) Except for the sale of products produced on the property through the limited wood assembly activity, retail sales are prohibited.
- (b) The limited wood assembly activity shall not cause nuisance effects that would adversely affect the health, safety, and tranquility of the neighborhood. Nuisances include noise, vibration, odor, discharge of materials, fluids, gases, excessive lighting, glare, fumes, electrical interference, or similar impacts.

**(E) Outdoor Display of Merchandise<sup>307</sup>**

- (1) All outdoor display of merchandise shall be located immediately adjacent to the principal building and outside of all drive aisles, loading zones, fire lanes, sidewalks, required parking, and required landscaping yards.
- (2) The area used for outdoor display of merchandise shall not exceed 35 percent of the gross floor area occupied by the principal use.

**(F) Outdoor Seating or Activity Area<sup>308</sup>**

An outdoor seating or activity area shall not be placed in the public right-of-way unless the appropriate permit has been acquired from the County.

**(G) Solar Energy Conversion System, Small-Scale<sup>309</sup>**

- (1) The system shall comply with the maximum height standards for the zone district in which it is located.
- (2) A solar energy collection system may be located on the roof of an existing structure irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface if the structure is at the maximum height allowed in the zone district.
- (3) The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the small-scale solar energy collection facility, and recording any such solar easement with the County.

**(H) Swimming Pool<sup>310</sup>**

- (1) The following standards apply to swimming pools located in the Residential zone districts or that are accessory to Residential uses:
  - (a) No part of the swimming pool (excluding aprons and walks) shall extend into the front yard.
  - (b) The swimming pool shall be intended and shall be used solely for the enjoyment of the occupants of the property on which it is located, and their guests.
  - (c) The swimming pool shall include a pool alarm in accordance with TCA § 68-14-801 *et seq.*
- (2) The area around the swimming pool shall be enclosed by a lockable wall or fence to prevent uncontrolled access by children and pets, and persons from adjacent properties. The wall or fence shall be at least four feet in height. A fence which uses dividers such as horizontal or vertical slats, spindles, or wrought iron shall be designed so there is no spacing that allows the passage of an object larger than four inches in diameter.

<sup>307</sup> These are new standards for a new accessory use.

<sup>308</sup> These are new standards. When development standards are drafted, we will incorporate a requirement that sidewalks not be blocked.

<sup>309</sup> These are new standards for a new accessory use.

<sup>310</sup> This carries forward and reorganizes the standards in Sec. 4.070 of the Zoning Resolution and adds a reference to state law requirements that swimming pools include alarms.

- (I) **Wind Energy Conversion System, Small**<sup>311</sup>
- (1) Tower-mounted small-scale wind energy systems shall not be located between the front lot line and the principal building on the site.
  - (2) The system shall be set back a minimum distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.
  - (3) The maximum height of a system (including the tower and extended blades) shall be 60 feet if it is free-standing. If a system is mounted on the roof of an existing building, the maximum height shall be 20 feet above the existing building height.
  - (4) The noise produced by the wind turbine under normal operating conditions, as measured at the lot line abutting an existing residential use, shall not exceed 55 dBA at any time. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages or severe windstorms.
  - (5) The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray or white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors are prohibited.
  - (6) The blade tip or vane of a small-scale wind energy system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.
  - (7) The turbine or tower shall not be illuminated unless required by the FAA.
  - (8) Wind turbines shall not be readily climbable for the first 15 feet of the turbine.
  - (9) Signage shall not be allowed on the wind turbine. Signage may be posted on the fence near the entrance gate(s) or at the base of the tower identifying manufacturer's or installer's identification, appropriate warning signs, or owner identification.
  - (10) If use of the facility is discontinued for a continuous period of six months, the County shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90 days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the County. The owner shall remove the facility (including all towers, turbines, and above-ground structures and equipment) within 90 days after a notice of termination is filed.

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## Section 4.4 Temporary Uses and Structures

### 4.4.1. General

The purpose of this Section is to authorize the establishment of certain temporary uses and structures, which are uses and structures of a limited duration. This section identifies the zone districts in which temporary uses and structures are allowed, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

### 4.4.2. Temporary Use and Structure Table

#### (A) Organization and Applicability

Table 4-9: Temporary Use and Structure Table lists temporary uses and structures in alphabetical order.

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<sup>311</sup> These are new standards for a new accessory use.



**(B) Explanation of Table and Abbreviations**

For each listed temporary use or structure in Table 4-9, the first column of each row identifies its name. The entries in the cells formed by the intersection of a zone district column and a temporary use or structure row indicate whether a temporary use or structure is permitted in a particular zone district, as follows:

**(1) Temporary Uses and Structures Permitted By-Right**

- (a) “P” in a cell other than a PD district column indicates that the temporary use or structure is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
- (b) “T” in a cell other than a PD district column indicates that the temporary use or structure is allowed only following issuance of a temporary use permit in accordance with Sec. 2.5.9, Temporary Use Permit, and subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.
- (c) “A” in a cell in a PD district column means that the temporary use or structure is allowed in the type of planned development district only if it is specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district. See Section 3.4.2(E), Planned Development (PD) Plan, and Section 3.4.2(F), Planned Development (PD) Agreement.

**(2) Prohibited Uses**

A blank cell indicates that the temporary use or structure is prohibited in the zone district.

**(3) Use-Specific Standards**

A particular temporary use or structure may be subject to additional standards that are specific to the particular use. The right-most column in a row includes references to the standards in Section 4.4.3, Standards Specific to Temporary Uses and Structures, that apply to the temporary use or structure.

**(4) Definitions**

Temporary uses and structures are defined in Section 8.5, Definitions.

**(C) Temporary Use and Structure Table**

The temporary use and structure table is established in Table 4-9: Temporary Use and Structure Table.

<b>Table 4-9: Temporary Use and Structure Table</b>														
P = Permitted		A = Allowed in PD				T = Permit Required						Blank = Not Permitted		
<b>Use Category/Type</b>	<b>Zone Districts</b>												<b>Use-Specific Standards</b>	
	<b>Ag./Res.</b>				<b>Commercial</b>									<b>PD</b>
	AP	RR	RG	RN	CR	CN	CC	COR	O	IM	IH	PD		
Christmas tree sales <sup>312</sup>	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(A)
Construction-related building <sup>313</sup>	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(B)
Fireworks sales stand <sup>314</sup>	T				T	T	T	T	T	T	T	T	AT	4.4.3(C)
Portable storage container <sup>315</sup>	P	P	P	P	P	P	P	P	P	P	P	P	A	4.4.3(D)
Seasonal sale of farm produce <sup>316</sup>	P	P											A	4.4.3(E)

<sup>312</sup> This carries forward the existing use in Sec. 4.030B of the Zoning Resolution.

<sup>313</sup> This renames the “Construction project office” temporary use in Sec. 4.030D of the Zoning Resolution.

<sup>314</sup> This renames the “Fireworks sales” temporary use in Sec. 4.030C of the Zoning Resolution.

<sup>315</sup> This is a new use.

<sup>316</sup> This is a new use.



<b>Table 4-9: Temporary Use and Structure Table</b>														
P = Permitted		A = Allowed in PD				T = Permit Required				Blank = Not Permitted				
Use Category/Type	Zone Districts												Use-Specific Standards	
	Ag./Res.				Commercial									PD
	AP	RR	RG	RN	CR	CN	CC	COR	O	IM	IH	PD		
Special event <sup>317</sup>	T	T	T	T	T	T	T	T	T		T	T	AT	4.4.3(F)
Temporary dwelling unit for cases other than medical hardship <sup>318</sup>	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(G)
Temporary extractive use	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(H)
Temporary family healthcare structure <sup>319</sup>	T	T	T	T	T	T	T	T	T	T	T	T	AT	4.4.3(I)
Temporary real estate sales office <sup>320</sup>	T	T	T	T									AT	4.4.3(J)
Temporary road material manufacture <sup>321</sup>	T				T	T	T	T	T	T	T	T	AT	4.4.3(K)

**4.4.3. Standards Specific to Temporary Uses and Structures**

**(A) Christmas Tree Sales<sup>322</sup>**

A permit shall be valid for up to 30 days.

**(B) Construction-Related Building<sup>323</sup>**

The permit shall be valid for one year, and the applicant may apply for a maximum of three extensions of six months each. The use shall be removed immediately upon completion of the construction project, or upon expiration of the temporary use permit, whichever occurs first.

**(C) Fireworks Sales Stand<sup>324</sup>**

**(1) Permit Required**

A permit shall be valid for up to 30 days. Application requirements are included in the Procedures Manual.

**(2) Design and Development Standards**

- (a)** All structures, including tents, shall meet the minimum setbacks that apply in the zone district.
- (b)** Access to the site shall be on driveways at least 25 feet wide that accommodate two-way traffic. Driveways shall be paved with gravel, concrete, or asphalt within the road right-of-way (from the edge of the road pavement to the property line). If applicable, driveway permits shall be acquired from TDOT or the County Highway Department.
- (c)** Parking on public roads or public right-of-way adjacent to the site is prohibited.
- (d)** If tents are used, they shall be certified flame retardant.
- (e)** Four working fire extinguishers shall be kept on site within the selling area (such as an individual tent) at each location. The fire extinguishers shall be 10-pound ABC Type and shall have been inspected within the preceding year.

<sup>317</sup> This renames the “Religious Tent Meetings” temporary use in Sec. 4.030F of the Zoning Resolution.

<sup>318</sup> This carries forward the existing use in Sec. 4.030I of the Zoning Resolution.

<sup>319</sup> This renames the “Temporary Dwelling Unit in Case of Medical Hardship” use in Sec. 4.030H of the Zoning Resolution.

<sup>320</sup> This carries forward the existing use in Sec. 4.030E of the Zoning Resolution.

<sup>321</sup> This carries forward the existing use in Sec. 4.030J of the Zoning Resolution.

<sup>322</sup> This carries forward Sec. 4.030B of the Zoning Resolution.

<sup>323</sup> This carries forward Sec. 4.030D of the Zoning Resolution.

<sup>324</sup> This carries forward sec. 4.030C of the Zoning Resolution, with changes as noted below. In addition, application requirements have been removed.

- (f) Any structure selling fireworks shall be 100 feet from any residential structure, and 70 feet from any nonresidential structure.
  - (g) The site shall include at least 15 parking spaces on site that comply with the dimensional standards in Sec. 5.2.5, Off-Street Vehicular Parking Standards.<sup>325</sup> Parking spaces shall be constructed of compacted crusher run or pug mix (six inch minimum depth), concrete, or asphalt, and shall not be located on septic disposal fields.
  - (h) A portable toilet shall be provided.
  - (i) The applicant shall obtain a County business license.
  - (j) Only fireworks authorized for sale in the state to consumers in accordance with TCA § 68-104-108 may be sold.<sup>326</sup>
  - (k) Signs that state “No Smoking” with letters at least four inches tall shall be posted.
  - (l) All applicable permits shall be visibly posted in the area where fireworks are sold.
- (3) Operational Standards**
- (a) Fireworks shall not be discharged within 100 feet of any temporary and/or permanent structure or fireworks stand.<sup>327</sup>
  - (b) Smoking and open flames are prohibited within 50 feet of any structure where fireworks are sold.
  - (c) The site, premises, and surrounding areas shall be maintained in a neat and clean manner.
  - (d) All unsold permitted consumer fireworks shall be properly disposed of and removed from the site.
- (D) Portable Storage Unit<sup>328</sup>**
- (1) No more than one portable storage unit shall be located on a lot.
  - (2) The storage unit shall be no more than eight feet wide, 16 feet long, and eight feet high.
  - (3) A storage unit may be placed on a lot for no more than 30 consecutive days, and no more than 60 days within any calendar year.
  - (4) The unit shall not be placed in the front yard, in the front parking lot of a commercial use, or in fire lanes, passenger loading zones, commercial loading areas, or public rights-of-way.
  - (5) The owner and operator of the lot containing a portable storage unit shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing, or other holes or breaks. The unit shall be kept locked when not being loaded or unloaded.
  - (6) The owner and operator of the lot containing a portable storage unit shall ensure that no hazardous substances are stored within the unit.
- (E) Seasonal Sale of Farm Produce<sup>329</sup>**
- (1) Structures shall be set back from the road at least 35 feet.
  - (2) Structures used for sales shall be removed when not in use

<sup>325</sup> This will be a reference to the parking space dimensional standards that will be included in Section 5.2, Off-Street Parking and Loading Standards.

<sup>326</sup> The Zoning Resolution references DOT Class C Common Fireworks. However, the Class C designation is no longer used by the U.S. Department of Transportation. The state law authorizing the sale of fireworks continues to reference the class framework, although guidance from the state Department of Commerce and Insurance does reference the current standards (known as “1.4G Consumer Fireworks”). Therefore, for clarity and consistency, the reference to Class C Common Fireworks is replaced with a reference to the state law which authorizes their sale.

<sup>327</sup> Revised from “in the vicinity of the fireworks stand” in the Zoning Resolution and applied the required 100 foot setback to the fireworks stand.

<sup>328</sup> These are new standards.

<sup>329</sup> This carries forward Sec. 4.030G of the Zoning Resolution.

- (3) The permit shall be issued for a five-month period, with no renewal.
- (F) Special Event<sup>330</sup>**
- (1) An application for this use shall demonstrate that the lot on which the special event will be held will have adequate capacity to accommodate the use's off-street parking.
  - (2) The permit shall be issued for no longer than 30 days, with no renewal.
- (G) Temporary Dwelling Unit for Cases Other Than Medical Hardship<sup>331</sup>**
- (1) The temporary structure shall not represent a hazard to the safety, health, or welfare of the community.
  - (2) The applicant shall provide a written statement from TDEC approving the temporary structure's sewage disposal system.
  - (3) The temporary use permit shall be valid for 18 months, and may be renewed one time for an additional year provided the same hardship conditions continue to exist.
- (H) Temporary Extractive Use<sup>332</sup>**
- (1) Borrow pits or extractive cuts shall be set back 150 feet from lot lines adjacent to a residential use or land in a Residential zone district, and 50 feet from all other property lines.
  - (2) If a lot is less than 15 acres in size, borrow pits shall not occupy or cover more than 25 percent of the lot. If a lot is 15 acres in size or greater, borrow pits shall not occupy or cover more than 10 percent of the lot.
  - (3) Borrow pits shall not have a slope that is greater than two feet horizontal to one foot vertical (2:1).
  - (4) Prior to any excavation, the applicant shall obtain a temporary use permit demonstrating via site plan that these conditions are met. As part of the application for a temporary use permit, the applicant shall provide proof that all requirements are met and permits are issued by TDEC. A permit shall be applicable for nine months and may be extended for periods of to six months, but in no event shall a temporary use permit for a temporary extractive use extend beyond 24 months.
  - (5) Following issuance of a temporary use permit, but prior to any excavation activities, the applicant shall install fencing with a minimum height of six feet round the borrow pit, located at a minimum at the setback lines identified in subsection (1) above, with "No Trespassing" signs placed in 200 foot intervals along the fence;
  - (6) No blasting is permitted as part of the use.
  - (7) Borrow pits are only permitted on sites at least five acres in size and shall not be located in a platted subdivision;
  - (8) Access to borrow pits shall be from arterial or collector roads;
  - (9) Extraction activities may only be conducted within the hours of 7:00 a.m. and 7:00 p.m.
  - (10) A temporary office is a permitted accessory structure but must be removed upon expiration of the temporary use permit.
  - (11) A borrow pit associated with any on-site use shall not constitute a permitted temporary extractive use when undertaken as part of a development approved as a site plan or subdivision plat.

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<sup>330</sup> This carries forward Sec. 4.030F of the Zoning Resolution which applied to the "Religious Tent Meeting" temporary use.

<sup>331</sup> This carries forward Sec. 4.030I of the Zoning Resolution.

<sup>332</sup> This carries forward and reorganizes for clarity the standards that apply to the use added to the Zoning Resolution on March 1, 2023, at Sec. 4.090K.

- (I) Temporary Family Healthcare Structure<sup>333</sup>**
- (1) The temporary family healthcare structure shall be used: by a caregiver in providing care for a mentally or physically impaired person; on property owned or occupied by the caregiver as their residence.
  - (2) Only one temporary family healthcare structure is permitted on a lot.
  - (3) The application for a temporary use permit shall include:
    - (a) A written statement from a physician certifying that the specific medical condition requires assistance from someone in close proximity; and
    - (b) A written statement from TDEC approving the temporary structure's sewage disposal system.<sup>334</sup>
  - (4) The temporary structure shall not represent a hazard to the safety, health, or welfare of the community.
  - (5) The temporary use permit shall be valid for 18 months. The permit may be renewed for an unlimited number of one-year terms provided the applicant submits a new written statement from a physician certifying that the assistance is still required due to the medical condition.
  - (6) The temporary use permit shall terminate when, and the structure shall be removed within 30 days after,
    - (a) The permit expires; or
    - (b) The conditions which required the permit cease to exist.
- (J) Temporary Real Estate Sales Office<sup>335</sup>**
- (1) The office shall only be placed on a new residential subdivision which has been approved by the Planning Commission.
  - (2) The permit shall be valid for one year, and may be renewed two times for six months each time.
  - (3) The office shall be removed when all lots in the residential subdivision have been sold, or upon expiration of the temporary use permit, whichever occurs first.
- (K) Temporary Road Material Manufacture**
- (1) The temporary use permit shall only be approved if the Board of Zoning Appeals determines the use is not potentially noxious, dangerous, or offensive.
  - (2) The temporary use permit shall be issued for a nine-month period and may be renewed for additional terms up to six months, but the total time during which the use is permitted shall not exceed 24 months.

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<sup>333</sup> This renames the Temporary Dwelling Unit in Case of Medical Hardship" use in Sec. 4.030H of the Zoning Resolution and updates standards to match the requirements of state law (TCA §§ 13-7-501 et seq.).

<sup>334</sup> Updated from "Maury County Sanitarian."

<sup>335</sup> This carries forward Sec. 4.030E of the Zoning Resolution.



# Article 6: Nonconformities

## Commentary on Draft:

**Article 6: Nonconformities**, consolidates all provisions addressing nonconformities (uses, structures, lots, and signs). Most current provisions related to nonconformities were carried forward and refined or had language updated for clarity; in several instances, new provisions were added, and a new section is added addressing nonconformities that are the result of government eminent domain actions or private land donations for public benefit. The article is divided into the following sections.

**Section 6.1, General Applicability**, which sets forth the purpose of the article and includes regulations governing determination of nonconforming status, minor repair and maintenance, unsafe or unlawful structures, and changes in land ownership.

**Section 6.2, Nonconforming Uses**, which provides rules for nonconforming uses that address extension, expansion, relocation, discontinuance of use, and the relationship to nonconforming structures.

**Section 6.3, Nonconforming Structures**, which provides rules for nonconforming structures that address the relationship to nonconforming uses, the enlargement, alteration, or relation of nonconforming structures, and reconstruction or repair after casualty damage.

**Section 6.4, Nonconforming Lots**, which provides rules for nonconforming lots.

**Section 6.5, Nonconforming Signs**, which provides rules governing nonconforming signs.

**Section 6.6, Nonconformities Created by Eminent Domain or Voluntary Donation of Land for a Public Purpose**, which provides regulations that address regulations that ease the burden on nonconformities created by eminent domain or voluntary donation of private lands for public benefit.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 6.1 General Applicability

### 6.1.1. Purpose and Scope<sup>437</sup>

- (A) In the County, there exists uses, structures, lots of record, and signs that were lawfully established before this Ordinance was adopted or amended that do not conform to the standards or requirements of this Ordinance. It is the general policy of the County to allow such uses, structures, lots of record, and signs to continue to exist. It is also the policy of the County to bring as many nonconformities into conformance with this Ordinance as is reasonably practicable, subject to the requirements of this article.
- (B) The purpose and intent of this article is to recognize the interests of the landowner in continuing to use the land, but to preclude the establishment of a new nonconforming use, structure, lot of record, or sign in the same zone district, the enlargement or expansion of a nonconformity, or the reestablishment of a discontinued or substantially destroyed nonconformity unless allowing such expansion or reestablishment can serve as an incentive to achievement of even greater public benefit.

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<sup>437</sup> This is a new section that builds on and fleshes out in more detail the language in Section 7.020 of the current Zoning Resolution.

**6.1.2. Authority to Continue<sup>438</sup>**

Nonconformities are allowed to continue and are encouraged to receive routine maintenance in accordance with the requirements of this article as a means of preserving safety and appearance.

**6.1.3. Determination of Nonconformity Status<sup>439</sup>**

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the nonconformity is located.

**6.1.4. Minor Repairs and Maintenance<sup>440</sup>**

**(A) Minor Repairs and Maintenance of Nonconforming Uses, Lots of Records, and Signs**

Any minor repairs and normal maintenance that are required to keep nonconforming uses, lots of record, and signs in a safe condition are permitted.

**(B) Minor Repairs and Maintenance of Nonconforming Structures**

Any minor repairs and normal maintenance that are required to keep in a safe condition a nonconforming structure, or the portion of a structure containing a nonconforming use, are permitted provided that the area of the nonconforming structure or portion of the structure containing a nonconforming use is not enlarged.

**6.1.5. Unsafe or Unlawful Structures<sup>441</sup>**

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in accordance with the standards of this Ordinance.

**6.1.6. Changes in Tenancy or Ownership<sup>442</sup>**

No change of title or possession or right to possession of land involved shall be construed to prevent the continuance of such nonconformity.

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## **Section 6.2 Nonconforming Uses**

**6.2.1. General**

Nonconforming uses are declared generally incompatible with the permitted uses in the zone district in which they are located and with the provisions of this Ordinance. Nonconforming uses shall be subject to the standards in this Section.

**6.2.2. Extension, Expansion, or Relocation<sup>443</sup>**

- (A)** Except as provided in Section 6.2.3 below nonconforming use shall not be extended, enlarged, or moved to occupy a different area of a structure or lot, except an existing nonconforming use

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<sup>438</sup> This new section clarifies that nonconformities may continue, subject to the standards and requirements of this article.

<sup>439</sup> This is a new section that states that the burden is on the property owner to establish that a nonconformity lawfully exists.

<sup>440</sup> This section makes it clear that landowners may make minor repairs to a nonconformity to ensure it remains in a safe condition, but as part of the repair and maintenance process cannot enlarge the nonconformity.

<sup>441</sup> This is a new provision that states that if a nonconformity becomes unsafe, it can only be restored in a way that complies with the standards of this Ordinance. **Note to Staff:** Appropriate?

<sup>442</sup> This is a new section that makes it clear that change of ownership or tenancy does not prevent the continuance of a nonconformity.

<sup>443</sup> This carries forward Section 7.020B of the current Zoning Resolution, with some refinements.



may be extended throughout any parts of a structure which were clearly designed or arranged for such use when the use became nonconforming.<sup>444</sup>

- (B) The repair, alteration, or extension of a building occupied by a nonconforming use that is more extensive than a minor repair, alteration, or extension is prohibited (see Sec. 6.1.4, Minor Repairs and Maintenance).

### 6.2.3. Nonconforming Industrial or Commercial Uses<sup>445</sup>

- (A) Subject to the limitations in subsection (B) below, nonconforming uses in the Commercial or Industrial use classifications shall be allowed to:
  - (1) Continue in the same use.
  - (2) Expand operations and construct additional facilities that involve an actual continuation and expansion of the activities constituting the use, provided there is a reasonable amount of space available for the expansion of the use so as to avoid nuisances to adjoining landowners.
  - (3) Destroy present facilities and reconstruct new facilities necessary to the conduct of the use, provided there is a reasonable amount of space available for the expansion of the use so as to avoid nuisances to adjoining landowners.
- (B) The activities permitted by subsection (A) above shall apply only to land owned and in use by the owner of the nonconforming use, and do not permit the expansion of an existing nonconforming use in the Commercial or Industrial use classifications through the acquisition of additional land.

### 6.2.4. Discontinuance or Abandonment of Nonconforming Use

#### (A) General<sup>446</sup>

If a nonconforming use is discontinued or abandoned for 30 months, the use shall not be reestablished and shall only be replaced with a conforming use.

#### (B) Nonconforming Structure

Any reconstruction or repair of a damaged structure used for a nonconforming use shall be subject to the same provisions applicable to nonconforming structures in Section 6.3, Nonconforming Structures.

#### (C) Conditional Use

Any use which was formerly a permitted use in a zone district but that, upon amendment of this Ordinance, becomes a special exception use shall not be considered a nonconforming use even though it has not received approval of a Special Exception Permit. No such use shall be expanded without a Special Exception Permit in accordance with Sec. 2.5.4, Special Exception Permit

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<sup>444</sup> The provision in Section 7.020A that provides "...an existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification; provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to conditions as the Board of Zoning Appeals may require in order to protect the area" has not been carried forward because in our experience it is very difficult to define what constitutes "a higher classification."

<sup>445</sup> This new provision incorporates the nonconformity provisions in TCA § 13-7-208(b)-(e).

<sup>446</sup> This carries forward Section 7.020C of the current Zoning Resolution. It does not carry forward the following language, because the rule is addressed with the language included in this section...." However, immediately upon the discontinuance of a nonconforming mobile home park for a period of 30 months the continuation of the nonconforming use shall not be permitted and shall cease."

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## Section 6.3 Nonconforming Structures

### 6.3.1. General

Nonconforming structures shall be subject to the standards in this Section.

### 6.3.2. Relationship with Conforming and Nonconforming Uses<sup>447</sup>

Where a nonconforming principal structure contains a conforming use, only the nonconforming structure is subject to the standards and limitations in this Section. Where a nonconforming structure contains a nonconforming use, the nonconforming structure is subject to the standards and limitations in this Section and the nonconforming use is subject to the standards and limitations in Section 6.2, Nonconforming Uses.

### 6.3.3. Enlargement or Alteration<sup>448</sup>

A nonconforming structure shall not be enlarged or structurally altered in any way that increases the nonconformity, but any nonconforming structure or portion may be altered to decrease its nonconformity.

*Example: A structure has a side yard setback of five feet where the Ordinance requires a minimum side yard setback of ten feet. The structure cannot be enlarged so as to further encroach into the side yard setback. Enlargement or structural alteration of the structure in a way that complies with applicable dimensional standards, or structural alteration of the structure in a way that decreases the degree of nonconformity, is permitted.*

### 6.3.4. Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located unless the entire structure conforms to the requirements of this Ordinance.<sup>449</sup>

### 6.3.5. Reconstruction or Repair after Casualty Damage<sup>450</sup>

The reconstruction or repair of a nonconforming structure damaged as a result of fire, flood, wind, or other Act of God shall be subject to the following provisions.

#### (A) Damage Up to 60 Percent of Assessed Value

If a nonconforming structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would be 60 percent or less of its assessed value before the damage, the structure may be reconstructed or repaired upon application to the Director if:

- (1) The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity;
- (2) The reconstruction or repair begins within 30 months of the date of such damage; and
- (3) The repair is diligently pursued to completion.

#### (B) Damage Greater Than 60 Percent of Assessed Value

If a nonconforming structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would exceed 60 percent of its assessed value before the damage, the structure shall not be reconstructed or repaired except in accordance with the standards of this Ordinance.

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<sup>447</sup> This is new section that clarifies the rules that apply to a nonconforming structure that also houses a nonconforming use.

<sup>448</sup> This is a new provision.

<sup>449</sup> This provision builds on and refines the language of Section 7.020B of the current Zoning Resolution.

<sup>450</sup> **Note to Staff:** This section builds on Section 7.020D of the current Zoning Resolution. It bases the damage on assessed value versus "fair market value," since assessed value is usually lower than "fair market value." It also increases the threshold for when build-back is allowed to 60 percent of the assessed value from 50 percent of the "fair market value."

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## Section 6.4 Nonconforming Lots

### 6.4.1. Increase of Lot Area of Nonconforming Lot<sup>451</sup>

A landowner may increase the lot area of a nonconforming lot, even if it is still less than the minimum lot area requirement for the zone district. The Director shall approve such an increase in lot area as an Administrative Plat without a decision by the BZA in accordance with Section 6.4.5, Administrative Plat, of the Subdivision Regulations.<sup>452</sup>

### 6.4.2. General

No development shall be established on a nonconforming lot except in accordance with the standards in this Section.

### 6.4.3. Combination of Lots to Eliminate Nonconformity<sup>453</sup>

If a vacant nonconforming lot abuts another lot (whether conforming or nonconforming) held in the same ownership, the lots shall be combined or recombined to create one or more conforming lots, or lot(s) that are less nonconforming.

### 6.4.4. Structures on Nonconforming Lots

- (A) Nonconforming structures legally established on a nonconforming lot may be continued, enlarged, or redeveloped only in accordance with the standards in Section 6.3, Nonconforming Structures
- (B) In any residential zone district in which there is a nonconforming lot, a dwelling unit may be built as long as it is a use permitted by right in the district, it complies with all dimensional standards in the zone district except for lot area and lot width requirements in the applicable zone district, and it is determined that adequate access to the site is provided.<sup>454</sup>
- (C) Notwithstanding limitations imposed by other provisions of this Ordinance, any one use permitted by right in a nonresidential zone district may be developed on a nonconforming lot if the development complies with all dimensional standards in the zone district except lot area and lot width, to the maximum extent practicable, and adequate access to the site is provided.<sup>455</sup>

### 6.4.5. Exceptions

- (A) Lots or subdivisions platted and recorded in the Maury County Register of Deeds' Office prior to April 25, 1986 shall not be required to meet the setbacks required of this Ordinance if the lot(s) of record have recorded deed restrictions specifying minimum setback requirements. However, if any preexisting lots of record subject to this provision do not have one or more setback requirements defined, they shall conform to the setback requirements of this Ordinance.<sup>456</sup>
- (B) When additions and/or alterations are made to residential structures built in Maury County prior to April 25, 1986, whose preexisting, nonconforming setbacks are lesser than those setbacks of this Ordinance, the preexisting, nonconforming setbacks will be honored for said additions and/or alterations so long as the setbacks are not intensified (the setback distances of the preexisting, nonconforming structure).<sup>457</sup>

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<sup>451</sup> This builds on Section 7.020F of the current Zoning Resolution.

<sup>452</sup> **Note to Staff:** This section will be updated when the Subdivision Regulations are drafted.

<sup>453</sup> This section builds on Section 7.040B of the current Zoning Resolution.

<sup>454</sup> **Note to Staff:** This is a new section that allows for a permitted residential use to be built on a nonconforming lot, if it complies with all dimensional standards (except for lot area and lot width), and adequate access to the site is provided. Appropriate?

<sup>455</sup> This is a new section that allows for one use that is permitted by right in a nonresidential district to be built on a nonconforming lot, if it complies with all dimensional standards except for lot area and lot width (to the maximum extent practicable), and adequate access to the site is provided.

<sup>456</sup> This carries forward Section 7.060 of the current Zoning Resolution.

<sup>457</sup> This carries forward Section 7.070 of the current Zoning Resolution.

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## Section 6.5 Nonconforming Signs

### 6.5.1. General

Nonconforming signs shall be subject to the following standards.

### 6.5.2. Enlargement or Alteration<sup>458</sup>

A nonconforming sign shall not be enlarged, extended, or structurally altered so as to create a nonconformity or increase the extent of an existing nonconformity.

### 6.5.3. Modifications<sup>459</sup>

Except for minor repairs and maintenance, a nonconforming sign that is moved, replaced, or structurally altered shall be brought into conformance with this article.

### 6.5.4. Reconstruction or Repair after Damage<sup>460</sup>

The reconstruction or repair of a damaged nonconforming sign shall be subject to the following standards:

#### (A) Damage Up to 60 Percent of Value

- (1) If a nonconforming sign is damaged by any means to an extent whereby the cost of restoring the sign to its before-damaged condition would no more than 60 percent of its replacement value before the damage, the sign may be reconstructed or repaired and continued to be used as a nonconforming sign if:
  - (a) The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity; and
  - (b) The reconstruction or repair is begun within 90 days after the damage, and is diligently pursued thereafter.
- (2) If reconstruction or repair is not begun within 90 days after the damage and diligently pursued thereafter, the sign shall be deemed abandoned and shall be removed in accordance with Sec. 5.12.10, Removal.

#### (B) Damage Greater Than 60 Percent of Value

If a nonconforming sign is damaged by any means to an extent whereby the cost of restoring the sign to its before-damaged condition would exceed 60 percent of its replacement value before the damage, the sign shall not be reconstructed or repaired except in conformity with the provisions of this Ordinance, and the nonconforming sign shall be removed within 30 days of the date the sign was damaged in accordance with Sec. 5.12.10, Removal.

#### (C) Replacement Value

For purposes of this Sec. 6.5.4, the replacement value shall mean the cost to construct a replacement sign at the time of filing the application for a permit to reconstruct or repair the nonconforming sign

### 6.5.5. Other Conditions Requiring Compliance with this Ordinance<sup>461</sup>

Any non-conforming sign shall also be brought into compliance with this Ordinance if any of the following conditions occur:

- (A) The sign is replaced at the sign owner's discretion.

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<sup>458</sup> This carries forward a provision in Section 4.090F of the current Zoning Resolution.

<sup>459</sup> This carries forward a provision in Section 4.090F of the current Zoning Resolution, with refinements to language.

<sup>460</sup> This updates Section 4.090F of the current Zoning Resolution to only allow build-back of a nonconforming sign if the sign is damaged by no more than 60 percent of its replacement value. If the sign is damaged to a greater extent or totally destroyed, compliance with the standards of this Ordinance is required for any new sign.

<sup>461</sup> This carries forward a provision in Section 4.090F of the current Zoning Resolution.

General

- (B) Any structural or other substantial maintenance or improvements to a non-conforming sign is deemed as the loss of the non-conforming status (This shall also render any prior permit void and shall result in the reclassification of the sign to an Illegal Sign).
- (C) Abandonment of a non-conforming sign, which shall terminate the right to maintain the non-conforming sign, at which time the sign owner shall be required to remove the non-conforming sign. A nonconforming sign shall be considered abandoned if it has displayed no message, or no activity, business product, or service has been produced, conducted, sold, or performed for a period of one year on the premises where the sign is located.
- (D) The use of the business or property changes.
- (E) A sign becomes unsafe or insecure or is deemed to be an immediate danger or peril to persons or property.

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**Section 6.6 Nonconformities Created by Eminent Domain or Voluntary Donation of Land for a Public Purpose<sup>462</sup>**

**6.6.1. General**

If a conforming lot is made nonconforming due to governmental acquisition of a portion of the lot for a public purpose that results in the lot no longer complying with applicable lot area or other dimensional standards, or due to the voluntary donation of land for a public purpose, the lot shall be deemed a conforming lot and a building permit may be issued for a permitted use if the Director determines that the proposed construction is designed and configured in a way that is compatible with surrounding development and complies with the standards this Ordinance to the maximum extent practicable, including but not limited to:

- (A) The off-street parking standards in Section 5.2, Off-Street Parking and Loading Standards; and
- (B) The landscaping standards in Section 5.3, Landscaping Standards.

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<sup>462</sup> This is a new section that addresses nonconformities that result from the government's acquisition of property through eminent domain or the voluntary donation of land for a public purpose that results in the remaining lands in private ownership becoming nonconforming. It allows for the landowner to submit and have approved a plan for development of the property that proposes an allowed use with a site layout that complies with the dimensional standards and parking and landscape requirements, to the maximum extent practicable.



# Article 7: Enforcement

## Commentary on Draft:

Article 7: Enforcement, establishes procedures and standards to enforce the provisions of the Zoning Ordinance, and obtain corrections for violations. It also sets forth the remedies and penalties that apply to the violation of the Ordinance.

**Section 7.1, Purpose**, sets forth the purpose of this article.

**Section 7.2, Compliance Required**, establishes that compliance with all provisions of this Ordinance is required.

**Section 7.3, Violations**, describes which actions constitute violations of this Ordinance.

**Section 7.4, Responsible Persons**, establishes who may be held responsible for violations of the Ordinance.

**Section 7.5, Enforcement Generally**, identifies who is responsible for enforcing the Ordinance, and authorizes them to take action.

**Section 7.6, Revocations**, states under what conditions and by whom development approvals, permits, certificates, and other authorizations under this Ordinance can be revoked, and by whom.

**Section 7.7, Remedies and Penalties**, identifies the different remedies that may be imposed against violators of the Ordinance.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 7.1 Purpose<sup>463</sup>

### 7.1.1. General

This article establishes procedures to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

### 7.1.2. Right to Development Subject to Approval

A development approval, permit, certificate, or other form of authorization approved in accordance with this Ordinance only authorizes the use, arrangement, location, design, density or intensity, and development set forth in the approval.

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## Section 7.2 Compliance Required<sup>464</sup>

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the unincorporated County.

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<sup>463</sup> This is a new section that states the purpose of the enforcement article.

<sup>464</sup> This section builds on Sec. 8.010 of the current Zoning Ordinance and states all development in the unincorporated County shall comply with the requirements of the updated Zoning Ordinance.



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## Section 7.3 Violations<sup>465</sup>

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this article and by state law:

### 7.3.1. Failure to Acquire Required Development Approvals, Permits, Certificates, and Authorizations In Accordance With this Ordinance

To engage in any development, use, construction, remodeling or other activity of any nature upon land and improvements subject to the jurisdiction of the County without all of the required development approvals, permits, certificates, or other forms of authorization as may be required in this Ordinance, or other applicable laws, to conduct or engage in such activity.

### 7.3.2. Engage in Development or Other Activity Not Allowed by Development Approval, Permit, Certificate, or Other Authorization

To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with a development approval, permit, certificate, or other form of authorization granted by this Ordinance.

### 7.3.3. Violate a Condition of Approval or Qualification Placed on Development Approval, Permit, Certificate, or Other Authorization

To violate, by act or omission, any term, condition of approval or qualification placed by the County upon a required development approval, permit, certificate or other form of authorization, to allow the use, development or other activity upon land or improvements.

### 7.3.4. Develop or Use Buildings, Structures, or Land in Violation of this Ordinance or Other Applicable Regulations

To develop or use any building or structure or to use any land in violation or contravention of this Ordinance or other applicable regulations and laws.

### 7.3.5. Violate Any Other Term, Condition, Standard of this Ordinance or Other Applicable Law

To violate any other term, condition, standard, or requirement of this Ordinance or any other applicable law.

### 7.3.6. To Continue Any Violations on a Daily Basis

To continue any of the above-stated violations on a daily basis, since each day of a violation shall be considered a separate offense.

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## Section 7.4 Responsible Persons<sup>466</sup>

The owner, tenant, or occupant of any land or structure, or an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance or other applicable laws may be held responsible for the violation and shall be subject to the remedies and penalties set forth in this article.

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<sup>465</sup> This is a new section that spells out in some detail what actions and omissions constitute violations of the Zoning Ordinance.

<sup>466</sup> This is a new section that identifies the persons and entities that are subject to Ordinance violations. It casts the net as broadly as legally possible.

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## **Section 7.5 Enforcement Generally<sup>467</sup>**

### **7.5.1. Responsibility for Enforcement**

The Director shall be responsible for enforcing the provisions of this Ordinance in accordance with the Tennessee Code Annotated.

### **7.5.2. Complaints Regarding Violations**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint with the Director. The complaint, stating fully the cause and basis, shall be filed with the Director. Such complaint shall be properly recorded, investigated, and appropriate action taken by the Director as provided by this Ordinance.

### **7.5.3. Inspections**

On presenting proper credentials, the Director shall have the power to enter upon land or inspect any building or structure to ensure compliance with the provisions of this Ordinance. Inspections shall be carried out during normal business hours unless the Director determines there is an emergency necessitating inspections at another time.

### **7.5.4. Enforcement Procedure**

The Director may institute enforcement proceedings as deemed appropriate and as authorized in accordance with this Ordinance or applicable state law.

### **7.5.5. Recordation of Notice of Violation**

The Director may record a Notice of Violation in the office of the Maury County Register of Deeds relating to the property on which the violation has occurred. Said Notice of Violation shall remain on the record until the violation is abated or cured. Once the violation is abated or cured and the property is no longer in violation, the Director shall file a release of the Notice of Violation in the office of the Maury County Register of Deeds.

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## **Section 7.6 Revocation<sup>468</sup>**

### **7.6.1. Development Approval, Permit, Certificate, or Other Authorization Issued in Conflict with this Ordinance is Null and Void**

Any development approval, permit, certificate, or other authorization issued in conflict with the provisions of this Ordinance shall be null and void.

### **7.6.2. Director Authorized to Revoke**

The Director may institute revocation proceedings as deemed appropriate and as authorized by this Ordinance and applicable state law.

### **7.6.3. Standards for Revocation**

The Director shall revoke any development approval, permit, certificate, or other authorization, if it is determined to be not in compliance with this Ordinance and other applicable laws, or with any applicable conditions of approval.

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<sup>467</sup> This section builds on Sec. 8.020 of the current Zoning Ordinance but spells out in greater detail who is responsible for enforcement and some of the basic rules.

<sup>468</sup> This is a new section that authorizes the revocation of development approvals, permits, certifications, and other forms of authorizations that are in violation of the Zoning Ordinance.

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## Section 7.7 Remedies And Penalties<sup>469</sup>

### 7.7.1. General Remedies and Penalties

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, may be fined not less than ten dollars nor more than fifty dollars for each offense in accordance with T.C.A. § 13-7-111. Each day that a violation is permitted to exist shall constitute a separate offense.

### 7.7.2. Civil Equitable Enforcement

In addition to the general remedies and penalties available in accordance with Sec.7.7.1 above, civil enforcement proceedings may be initiated to ensure compliance with this Ordinance. This includes but is not limited to:

**(A) Issuance of Stop Work Order**

The County may issue and serve upon a person pursuing an activity or activities in violation of this Ordinance a stop order that requires that the person stop all activities in violation of the Ordinance.

**(B) Denial or Withholding of Related Authorization**

The County may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land, structure, or improvements is corrected and any associated civil penalty is paid.

**(C) Injunction**

When a violation occurs, the County may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

**(D) Order of Abatement**

In addition to an injunction, the County may apply for and the court may enter an order of abatement as part of the judgment in the case.

**(E) Equitable Remedy**

The County may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law, or this Ordinance shall not be used by a violator as a defense to the County's application for equitable relief.

### 7.7.3. Remedies Are Cumulative

**(A)** The remedies and penalties provided for violations of this Ordinance, whether civil, equitable, or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

**(B)** Each day of continued violation of this Ordinance shall be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

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<sup>469</sup> This is a new section that identifies the remedies and penalties that can be imposed to correct violations of the Zoning Ordinance.

# Article 8: Definitions and Rules for Construction, Interpretation, and Measurement

## Commentary on Draft:

**Article 8: Definitions and Rules for Construction, Interpretation, and Measurement**, provides background material that is relevant to interpreting the entire Zoning Ordinance.

**Section 8.1, Rules of Construction**, includes the rules governing the construction of language in the Zoning Ordinance.

**Section 8.2, General Rules for Interpretation**, includes the rules governing interpretation of the text and zone district boundaries in the Zoning Ordinance.

**Section 8.3, Rules of Measurement**, includes the rules of measurement in the Zoning Ordinance.

**Section 8.4, Principal Use Classification**, provides the definitions of the use classifications and the use categories used in Table 4-1: Principal Use Table.

**Section 8.5, Definitions**, provides all other applicable definitions. Additional definitions will be included as future modules of the Ordinance are drafted.

*This commentary is provided for reference purposes. It will be deleted in the adopted Zoning Ordinance.*

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## Section 8.1 Rules of Construction<sup>470</sup>

### 8.1.1. Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

### 8.1.2. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (A) “And” indicates that all connected items, conditions, provisions, or events apply.
- (B) “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

### 8.1.3. Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice-versa.

### 8.1.4. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the day subsequent that is not a Saturday,

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<sup>470</sup> These general rules of construction build on the existing rules in Section 2.010 of the Zoning Resolution.

Sunday, or holiday observed by the County. References to days are calendar days unless otherwise stated.

#### **8.1.5. Person**

An individual, firm, association, partnership, corporation, club, or any other group or combination acting as a legal entity.

#### **8.1.6. Used or Occupied**

When used in reference to land, the terms “used” or “occupied” shall be interpreted to mean “intended, arranged, or designed to be used or occupied.”

#### **8.1.7. Term Not Defined**

If a term used in this Ordinance is not defined in this Article 8 or elsewhere in this Ordinance, the Director shall have the authority to provide a definition based on the definitions used in accepted sources including, but not limited to, the Tennessee Code Annotated, resources published by the American Planning Association including *A Planners Dictionary*, *A Glossary of Zoning, Development, and Planning Terms*, and *A Survey of Zoning Definitions*, as well as general dictionaries, including but not limited to, *Merriam-Webster*, *American Heritage*, *Webster's New World*, and *New Oxford American* dictionaries.

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## **Section 8.2 General Rules for Interpretation<sup>471</sup>**

### **8.2.1. Meanings and Intent**

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance. When a specific section of these regulations gives a different meaning than the general definition provided in this Article, the specific section’s meaning and application of the term shall control.

### **8.2.2. Headings, Illustrations, and Text**

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are generally provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

### **8.2.3. Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### **8.2.4. References to Other Regulations/Publications**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

### **8.2.5. Delegation of Authority**

Any act authorized by this Ordinance to be carried out by a specific official of the County may be carried out by a designee of such official at the direction of the official.

### **8.2.6. Technical and Nontechnical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

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<sup>471</sup> These are new rules for interpretation.

### 8.2.7. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Maury County, Tennessee, unless otherwise indicated.

### 8.2.8. Zone District Boundaries<sup>472</sup>

When determining the location of zone district boundaries as shown on the Official Zone District Map, the following general rules of interpretation shall be used:

- (A) District boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public access ways shall be construed to follow those centerlines.
- (B) District boundaries indicated as approximately following lot lines shall be construed as following those lot lines. If a subsequent minor adjustment (such as from a court ordered settlement of a boundary dispute or overlap) results in a lot line moving ten feet or less, the district boundary shall be interpreted as moving with the lot line.
- (C) District boundaries indicated as approximately following County limits shall be construed as following County limits.
- (D) District boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (E) District boundaries indicated as following centerlines of rivers, streams, or other watercourses shall be construed to follow those centerlines.
- (F) District boundaries indicated as approximately parallel to or extensions of features identified in subsections (A) through (E) above shall be construed to be parallel to or extensions of such features.
- (G) If the specific location of a depicted boundary cannot be determined from notations on the Official Zone District Map or in accordance with subsections (A) through (F) above, it shall be determined by using the map's scale to determine the boundary's distance from other features shown on the map.
- (H) Where the actual locations of existing physical or natural features vary from those shown on the Official Zone District Map, or in other circumstances not covered by this Section, the Director shall have the authority to interpret the district boundaries in accordance with this Section.

### 8.2.9. Interpretation of Unlisted Uses<sup>473</sup>

#### (A) Procedure for Interpreting Unlisted Uses

The Director may interpret as allowable in a particular zone district a particular principal use or accessory use or structure not expressly listed in the use tables in Article 4: Use Regulations,

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<sup>472</sup> This reorganizes, clarifies, and builds on the rules of zoning district interpretation in Section 5.030 of the Zoning Resolution with the following changes: 1) The standards that apply to a lot that was divided by a zone district "at the time this Resolution takes effect" have been removed as the Zoning Resolution was adopted more than 36 years ago. 2) The final paragraph restricts the use of property in a business or industrial district which is located between two intersecting streets if the property facing or fronting the intersecting street (except on the corners) is within a residential district and has a residential use. This has not been carried forward because the standard is somewhat difficult to interpret. The updated development standards, such as Section 5.3, Landscaping Standards, Section 5.8, Agricultural Compatibility Standards, and Section 5.9, Neighborhood Compatibility Standards, will address similar concerns about compatibility between adjacent or nearby uses of different types. 3) Authority to interpret district boundaries has been changed from the Board of Zoning Appeals to the Director; appeals to the Board of Zoning Appeals of the Director's determination will be available.

<sup>473</sup> This is a new section. It further expands Sec. 8.060(c)(4) of the Resolution and provides for interpretive standards by which the Commissioner may apply the Ordinance to unlisted uses, giving the Ordinance additional flexibility.



as either a permitted or special exception use, based on the standards in this Section and in accordance with the procedures in Sec. 2.5.17, Interpretation.

**(B) Criteria for Allowing Unlisted Principal Uses**

The Director shall interpret an unlisted principal use as a permitted or special exception use only after finding that the nature, function, and duration of the use and the impact of allowing it in the zone district are so similar to those of a use type or use category that is expressly allowed in the zone district that the unlisted use should be deemed allowed in the same manner (as a permitted or special exception use) as the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Director shall evaluate the relevant characteristics of the unlisted use to the characteristics, function, and physical impacts of the use categories established in Article 4: Use Regulations, the purpose and intent statements in this Ordinance concerning the zone district (see Article 3: Zone Districts), and the character and features of use types allowable in the zone district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

- (1) Actual or projected characteristics of each activity likely to occur as part of the unlisted use;
- (2) The type, size, orientation, and nature of buildings and structures devoted to each activity;
- (3) The number and intensity of employees and customers per unit area of a site in relation to business hours and employment shifts;
- (4) Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;
- (5) Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;
- (6) Relative amounts of sales or revenue from each activity;
- (7) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside, or outside the principal building, and the predominant types of items stored;
- (8) Customer type for each activity;
- (9) How the use is advertised, including signage;
- (10) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
- (11) Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
- (12) The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the zoning district.

**(C) Standards for Allowing Unlisted Accessory Uses and Structures**

The Director shall interpret an unlisted use or structure as an allowable accessory use or structure to a principal use allowed in a particular zone district (either because the use is expressly listed in Table 4-1: Principal Use Table or allowed in accordance with this Section if the Director determines that:

- (1) The use or structure is accessory to the principal use, in accordance with the definitions of “accessory use” and “accessory structure,” and the example accessory uses listed in the definition of the principal use or the description of the relevant use category in Sec.4.2.2, Classification of Principal Uses.
- (2) The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the zone district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;
- (3) The use or structure is compatible with the character of principal and accessory uses allowable in the zone district; and



- (4) Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this Ordinance concerning the zone district (see Article 3: Zone Districts).

**(D) Effect of Allowing Unlisted Uses as Permitted, Conditional, or Accessory Use**

On interpreting an unlisted use as allowed in a zoning districts, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Director may initiate an application for a text amendment to this Ordinance in accordance with Sec. 2.5.1, Zoning Ordinance Text Amendment, to list the use or structure in Article 4: Use Regulations, as a permitted or special exception use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Director shall be binding and shall be maintained in the record of interpretations required by Sec. 2.5.17, Interpretation,

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## Section 8.3 Rules of Measurement<sup>474</sup>

### 8.3.1. Lots and Yards

**(A) Lot<sup>475</sup>**

A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by a principal building along with any accessory structures or uses and other areas required in this Ordinance such as driveways, parking areas, and yards.

**(B) Lot Types<sup>476</sup>**

**(1) Corner Lot**

A lot on which at least two adjoining sides abut their full lengths on adjoining streets, and where the adjoining angle is less than 135 degrees.

**(2) Flag Lot**

A lot on which the main building site area is set back from the street on which it fronts and that is connected to the frontage street by a narrow access strip.

**(3) Interior Lot**

A lot other than a corner lot.

**(4) Lot of Record**

A lot which is part of a subdivision recorded with the Maury County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded with the Maury County Register of Deeds.

**(C) Lot Line<sup>477</sup>**

The boundary that marks the boundary of a lot. Specific lot lines include:

**(1) Front Lot Line<sup>478</sup>**

On any lot other than corner lot, the lot line connecting the two side lot lines along the edge of the lot abutting the right-of-way of the adjoining street. On a corner lot, any lot line along the edge of the lot abutting the right-of-way of an adjoining street.

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<sup>474</sup> This draft includes definitions necessary to interpret the dimensional standards in Article 3: Zone Districts. Future drafts will include additional definitions as well as illustrative graphics.

<sup>475</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution.

<sup>476</sup> This carries forward the definitions in Sec. 2.020 of the Zoning Resolution with minor revisions for clarity, except the definition of flag lot is new.

<sup>477</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution. The definitions of front, rear, and side lot lines are new.

<sup>478</sup> The front lot line is defined as the lot line abutting the adjoining street, except for a corner lot which has two front lot lines.

**(2) Rear Lot Line<sup>479</sup>**

- (a) On any lot other than a corner lot or an irregular lot, the lot line connecting the two side lot lines along the edge of the lot opposite from the front lot line.
- (b) On a corner lot, the lot line connecting the side lot line and the front lot line, along the edge of the lot opposite from the front lot line abutting the street that provides the lot's street address.
- (c) On an irregular lot, the lot line or collection of lot lines that are most opposite the front lot line.

**(3) Side Lot Line**

Any lot line other than the front or rear lot lines.

**(D) Setback<sup>480</sup>**

The minimum allowable distance between the lot line and a building on a lot, within which no building or other structure shall be placed except as provided in this Ordinance.

**(1) Front Setback<sup>481</sup>**

The setback between the street right-of-way and the front of a building on a lot. The front setback extends the full width of the lot and is parallel to or concentric with the street right-of-way.

**(2) Rear Setback**

The setback between the rear lot line and a building on a lot. The rear setback extends the full width of the lot.

**(3) Side Setback**

The setback between the side lot line and a building on a lot. The side setback extends from the front setback to the rear setback.

**(E) Yard<sup>482</sup>**

An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky, measured from the setback to the lot line, except as otherwise provided in this Ordinance.

**(1) Front Yard**

The yard extending across the entire width of the lot from the front lot line to the front setback.

**(2) Rear Yard**

The yard extending across the entire width of the lot from the rear lot line to the rear setback.

**(3) Side Yard**

The yard extending between the front yard and the rear yard from the side lot line to the side setback.

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<sup>479</sup> The rear lot line is opposite the front lot line, except that for a corner lot with multiple front lot lines the rear lot line is opposite the front lot line along the street that provides the lot's address.

<sup>480</sup> This simplifies the definition for "building setback line" in Sec. 2020 of the Zoning Resolution, as well as the front, rear, and side building setback line definitions.

<sup>481</sup> This has been updated to remove reference to future street rights-of-way, at staff's request.

<sup>482</sup> This updates the definitions of yard and front, rear, and side yard in Sec. 2.020 of the Zoning Resolution to make clear that the yard (or required yard) is measured from the lot line to the setback line.

### 8.3.2. Lot-Related Measurements

**(A) Building Area of Lot<sup>483</sup>**

The portion of a lot bounded by the required front, side, and rear yards.

**(B) Density<sup>484</sup>**

The number of dwelling units permitted per area of land, typically measured in dwelling units per acre.

**(C) Lot Area<sup>485</sup>**

The size of a lot measured within lot lines.

**(D) Lot Coverage<sup>486</sup>**

The portion of a lot that is covered by buildings and structures, including the area covered by overhanging roofs.

**(E) Lot Depth<sup>487</sup>**

The average distance from the front lot line to the rear lot line, measured in the general direction of the sides of the lot.

**(F) Lot Width<sup>488</sup>**

The width of a lot measured at the front setback. For a lot on a cul-de-sac, the lot width shall be measured following the curve of the front property line.

### 8.3.3. Structure-Related Measurements

**(A) Building Story<sup>489</sup>**

**(1) General**

A story (or full story) is:

- (a)** The space between the upper surface of any floor and the upper surface of the next floor above; or
- (b)** Any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with seven feet or more head clearance equals 50 percent or more of the floor area of the next story below.

**(2) Half Story**

The portion of the building between the topmost floor and the roof, in which the floor area with eight feet or more of clearance equals 50 percent or more of the floor area of the next story below, shall be a “half story” if it is not used as a dwelling unit.

**(3) Basement**

A basement is a story if more than half of its height is above the average ground level from which the “height of a building” is measured, or if the basement is used for commercial purposes.

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<sup>483</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution with updates from “building setback line” to “front yard.”

<sup>484</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution with minor revisions.

<sup>485</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution by removing the phrase “total surface land area” from the calculation.

<sup>486</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution.

<sup>487</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution and modifies “street line of the lot” to “front lot line.”

<sup>488</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution and, in this draft, includes guidance for measuring lot width on a cul-de-sac.

<sup>489</sup> This carries forward and reorganizes the definition in Sec. 2.020 of the Zoning Resolution; the minimum height of a story is reduced to seven feet.

**(B) Floor Area<sup>490</sup>**

The total of the horizontal area of each floor of a building or structure, measured from the exterior walls or the center lines of party walls. This term does not include arcades, porticos, and similar open areas which are accessible to the general public and which are not designed or used as sales, display, storage, service, or production areas.

**(C) Height, Building or Structures<sup>491</sup>**

**(1) Building or Structure Height in Stories**

The number of complete stories or feet above the finished grade for any building or at-grade or above-grade parking structure, but excluding

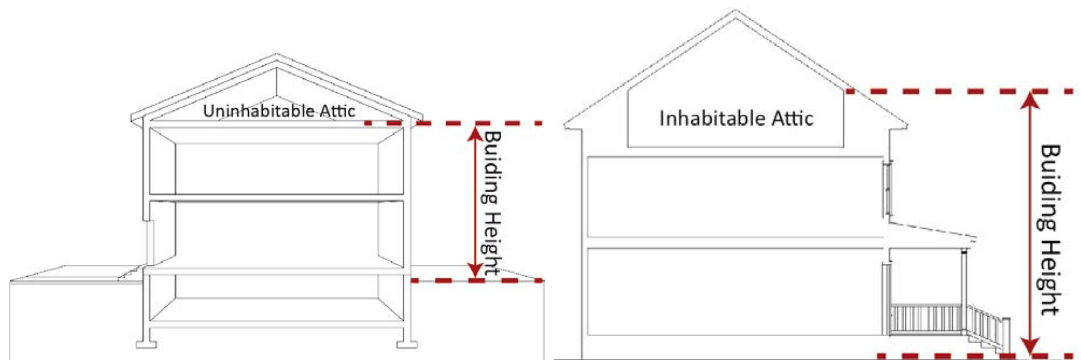
- (a) Habitable attics, half-stories, and mezzanines (which shall be measured as half stories); and
- (b) Spaces completely below grade, such as basements, cellars, crawl spaces, sub-basements, and below-grade parking structures.

**(2) Building or Structure Height in Feet**

The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the following (see Figure 8-1: Height Measurement):

- (a) If the building does not contain an attic, to highest point of the building or structure; or
- (b) If the building contains an attic, to the floor of the attic if the attic is not habitable, or if the attic is habitable, to the midpoint of the attic.

**Figure 8-1: Height Measurement**



**(D) Height, Tower<sup>492</sup>**

The distance measured from ground surface elevation to the highest point on the tower and appurtenances, including an antenna.

**8.3.4. Sign-Related Measurement<sup>493</sup>**

**(A) Sign Height**

The height of a ground-mounted sign is the distance from the base of the sign at the average adjacent grade to the top of the highest part of the sign.

<sup>490</sup> This significantly simplifies the definition in Sec. 2.020 of the Zoning Resolution.

<sup>491</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution.

<sup>492</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution with minor revisions.

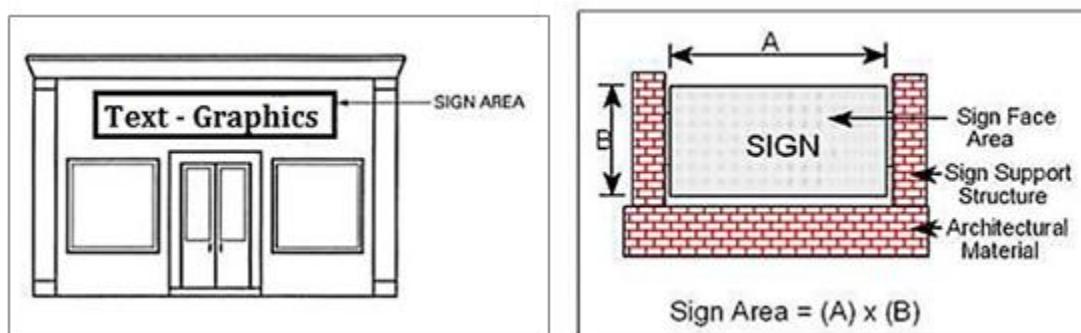
<sup>493</sup> This carries forward Sec. 4.090A.11 of the Zoning Resolution, except that the requirement that wall signs not exceed the height of the wall on which they are placed has been relocated to the wall sign standards in Sec. 5.12.7(A), Wall Signs

**(B) Sign Face Area**

The sign face area is the area of the sign that contains the message or image conveyed by a sign, and is calculated in accordance with the following:

- (1) The entire surface area of the sign on which text or graphics could be placed is considered the sign face area (see Figure 8-2: Sign Copy Area Measurement.
- (2) The supporting structure or bracing of a sign shall not be counted as a part of sign face area unless the structure or bracing is a part of the sign's message (see Figure 8-2.)
- (3) Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area. Where a sign has more than one display face, all areas that can be viewed simultaneously on one face shall be considered the sign face area. Signs with three or more sides are not permitted.

**Figure 8-2: Sign Copy Area Measurement**



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## Section 8.4 Principal Use Classification and Definitions

### 8.4.1. Agricultural Uses Classification<sup>494</sup>

Uses in this use classification include the production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to people. This includes but is not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; emus and ostriches; livestock, including beef cattle, sheep, swine, horses, ponies, mules, llamas, alpacas, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**(A) Agricultural Cultivation**

The Agricultural Cultivation use category includes use types that involve the raising of agricultural products for consumption or commercial sale. Products may include, but are not limited to, vegetables, grains, fruits, plants, sod, trees, and other similar products. Use types include agricultural operations, forestry operations, nursery, and tree farm uses.

**(B) Agriculture Support and Services, Directly Related**

The Agriculture Support and Services, Directly Related use category includes use types that provide support and services to agricultural, horticultural, and animal husbandry activities, which are limited to and that operate in conjunction with and on the site of on-going horticultural or animal husbandry uses. Use types include agri-education or agri-tourism, auction barn and livestock storage, equestrian facility, farm winery, and roadside agriculture sales.

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<sup>494</sup> This updates the definition of "Agriculture Use" in Sec. 2.020 of the Zoning Resolution.

**(C) Agriculture Support and Services, Not Directly Related**

The Agriculture Support and Services, Not Directly Related use category includes use types that provide support and services to off-site agricultural, horticultural, and animal husbandry activities and that are not directly related to on-going agricultural, horticultural, or animal husbandry uses on the same property. Use types include agricultural distribution hub and agricultural processing.

**(D) Animal Agriculture**

The Animal Agriculture use category includes use types that are related to the commercial breeding, raising, and keeping of fish, livestock, and any type of fowl, for sale or use of the animal, animal products or byproducts, or the processing of those products or byproducts. Use types include commercial feed lot.

**8.4.2. Residential Uses Classification**

**(A) Household Living**

The Household Living category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include single-family detached dwellings, townhouse dwellings, two-family dwellings (duplexes), mobile home dwellings, multifamily dwellings, and mobile home parks. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., retirement facility), which are included in the Group Living category. Accessory uses common to Household Living uses include recreational activities, raising of domestic pets, gardens, swimming pools, and parking of occupants' and guests' vehicles. Some accessory uses, such as accessory dwelling units and home occupations, are subject to additional regulations (see Section 4.3, Accessory Uses and Structures).

**(B) Group Living**

The Group Living use category includes use types providing for the residential occupancy of a group of living units by persons who may or may not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (though some do have such facilities), but unlike a hotel or motel, are generally occupied on a monthly or longer basis. Use types include assisted care facility, group home, retirement facility, and rooming house. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotels or motels), which are categorized in the Lodging Uses category. It also does not include use types where residents or inpatients are routinely provided with more than modest health care services (e.g., nursing home), which are categorized in the Health Care Uses category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

**8.4.3. Civic and Institutional Uses Classification**

**(A) Community and Cultural Facilities**

The Community and Cultural Facilities use category includes use types of a public, nonprofit, or charitable nature providing a local service directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. The uses may provide special counseling, education, or training of a public, nonprofit, or charitable nature. Use types include child care center, community center, conference center, correctional facility, cultural institution, event venue, government facility, library, place of assembly, public safety facility, and religious facility. This use category does not include uses with a residential component or counseling in an office setting (categorized in the Office Use category). Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and recreation and athletic facilities.



**(B) Educational Facilities**

The Educational Facilities use category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, or high school level that provide State-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at all education uses may include offices, play areas, recreational and sport facilities, cafeterias, theaters, auditoriums, and before- or after-school day care. Accessory uses may additionally include dormitories, food service, laboratories, health care facilities, meeting areas, athletic facilities and fields, maintenance facilities, bookstores, and other supporting uses typically associated with an educational institution.

**(C) Funeral Services**

The Funeral and Mortuary Services use category includes establishments that provide services related to the death of a human being or an animal. Uses include crematory and funeral home.

**(D) Health Care Services**

The Health Care Services use category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, rehabilitation services, and physical therapy, as well as mental health treatment. Health care services may be provided on an inpatient or outpatient basis, or routinely to residents of the facility. Use types include hospital, medical or dental office or clinic, nursing home, and rehabilitation center. This use category does not include group homes, which focus primarily on providing personal care rather than medical care to residents, or assisted living facilities. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, memory care facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

**(E) Parks and Open Areas**

The Parks and Open Areas use category includes use types focusing on open space areas largely devoted to natural or curated landscaping and outdoor recreation and tending to have few or no structures. Use types include cemeteries, community gardens, country clubs, and public parks. This use category does not include golf driving ranges or other primarily outdoor recreation uses. Accessory uses may include caretaker's quarters, clubhouses, recreational structures, statuary, fountains, maintenance facilities, concessions, and parking.

**(F) Transportation and Utility Facilities**

The Transportation and Utility Facilities use category includes use types providing for facilities to accommodate transportation needs and local infrastructure relating to electrical, cable TV, water, sewer, and gas service, and other basic service needs. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities. Use types include airports, private; airports, public, communication towers and equipment; parking facilities; large solar energy facilities; major utilities; minor utilities; and large wind energy facilities.

**8.4.4. Commercial Uses Classification**

**(A) Adult Business**

The Adult Business use category includes any establishment that regularly exploits an interest in matters relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons. There is one use that incorporates the state law definition of an adult-oriented establishment, which incorporates multiple types of adult businesses.

**(B) Animal Care Uses**

The Animal Care Uses use category is characterized by use types related to the provision of medical services, general care, and boarding services for household pets and domestic



animals. Use types include animal grooming, animal kennel, veterinary hospital, and similar uses.

**(C) Food and Beverage Services**

The Food and Beverage Services category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include bars or taverns, drive-in restaurants, and sit-down restaurants. Accessory uses may include areas for outdoor seating, drive-through service facilities, facilities for live entertainment, and valet parking services.

**(D) Lodging**

The Lodging use category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent, lease, or interval occupancy. Use types include bed and breakfast homestays, campgrounds, hotels or motels, and travel trailer parks. This use category does not include rooming houses, which are generally occupied for tenancies of a month or longer and are categorized in the Group Living use category. Accessory uses may include pools and other recreational facilities, restaurants, limited storage, laundry facilities, gift shops, retail sales establishments, meeting facilities, and offices.

**(E) Office**

The Office use category includes office buildings that house activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., accountants, attorneys, engineers, architects, planners), financial services (e.g., lenders, brokerage houses, tax preparers), or small-scale video or audio production services that are entirely conducted indoors (e.g. video editing, podcast recording and production). Use types include contractor's yard, data center, general office, and research and development uses. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as medical or dental offices or clinics (categorized in the Health Care Services use category) or banks or other financial institutions (categorized in the Retail Sales and Services use category), although mental health services such as counseling are included in this category. Accessory uses may include cafeterias, lunch rooms, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the offices.

**(F) Recreation and Entertainment**

The Recreation and Entertainment use category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include amphitheaters; marinas, indoor recreation facilities, outdoor recreation facilities, stables, and theaters. This use category does not include recreational facilities that are accessory to parks (categorized in the Parks and Open Areas use category), or that are reserved for use by a residential development's residents and guests (e.g., accessory community swimming pools and other recreation facilities). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

**(G) Retail Sales and Services**

The Retail Sales and Services use category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Use types include agricultural equipment sales, rental, and service, bank and financial institutions, convenience stores, massage therapy establishments, personal repair establishments, personal service establishments, and retail sales establishments (small, medium, and large). This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle-Related Uses use category), establishments primarily selling supplies to contractors or retailers (categorized in the Wholesale Sales use category), the provision of financial, professional, or business services in an office setting (categorized in the Office use category), uses providing recreational or entertainment opportunities (categorized in the Recreation and Entertainment use category), or adult uses (categorized in the Adult Business category). Accessory uses may include offices, storage of goods, assembly or

repackaging of goods for on-site sale, concessions, Automatic Teller Machines (ATM), and outdoor displays of merchandise.

**(H) Vehicle-Related Uses**

The Vehicle-Related Uses use category includes use types involving the direct sales and servicing of motor vehicles, including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers whether for personal transport, commerce, or recreation. Use types include car washes, fleet fuel depots, gas stations, light vehicle repair, light vehicle rental, light vehicle sales, and travel trailer rental. Accessory uses may include offices, sales of parts, maintenance facilities, and vehicle storage.

**8.4.5. Industrial Uses Classification**

**(A) Extraction**

The Extraction use category is characterized by activities related to the extraction of naturally occurring materials, such as sand and gravel. Accessory uses may include washing and grading plants, offices, storage areas, and vehicle washing facilities.

**(B) Manufacturing and Processing**

The Manufacturing and Processing use category includes use types involved in the manufacturing, processing, production, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally sold on the wholesale market, transferred to other plants, or made to order for firms or consumers. This use category includes breweries, distilleries, artisanal manufacturing, heavy manufacturing, light manufacturing, slaughterhouses, and wineries, based on the general extent of off-site impacts and the extent of outdoor storage. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may include wholesale sales, offices, cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, and security and caretaker's quarters.

**(C) Freight and Warehousing**

The Freight and Warehousing use category includes use types involving the storage or movement of goods and their delivery to other firms or the final consumer. There is minimal on-site sales activity with the customer present. Use types include cold storage plants, junk or salvage yards, self-storage, truck terminals, and warehouses. This use category does not include use types categorized in the Waste-Related Uses use category. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

**(D) Waste-Related Uses**

The Waste-Related use category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. This use category also includes use types that receive hazardous wastes from others. Use types include construction, demolition and debris landfill; sanitary landfill; recycling collection center; recycling processing center; salvage and junkyard; sewage disposal and sludge storage; solid waste transfer station; waste composting; and similar use types. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products

**(E) Wholesale Sales**

The Wholesale Sales use category includes use types involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, greenhouses (for plant nurseries), and repackaging of goods.

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## Section 8.5 Definitions

The following definitions apply to terms used in this Ordinance. Definitions of use classifications and categories are located in Section 8.4, Principal Use Classification and Definitions.

### A

#### ***Accessory dwelling unit***<sup>495</sup>

A dwelling unit that is accessory, supplementary, and secondary to a single family detached dwelling, located on the same parcel, and internal to or attached to the principal dwelling or in a detached structure.

#### ***Accessory structure***<sup>496</sup>

A building or other structure whose use is incidental to that of the main building, which is located on the same parcel of property, and which is customarily used in connection with the main building or other structure. Accessory structures are subordinate in size to the principal (main) building.

#### ***Accessory use***<sup>497</sup>

A use customarily incidental, appropriate, and subordinate to and located on the same lot as a principal use of land or buildings.

#### ***Adult-oriented establishment***<sup>498</sup>

Has the meaning in TCA § 7-51-1102(6).

#### ***Aggregate Caliper Inches (ACI)***<sup>499</sup>

The combined total number of inches of existing and proposed trees used to meet a landscape requirement within a required landscape area

#### ***Agriculture or agricultural***<sup>500</sup>

The definition of "agriculture" or "agricultural" set forth below shall apply to the term wherever it appears in this Ordinance, unless a different definition is specifically made applicable to the Article, Section, or Subsection in which the term appears.

- The land, buildings, and machinery used in the commercial production of farm products and/or nursery stock;
- The activity carried on in connection with the commercial production of farm products and/or nursery stock;
- Recreational and educational activities on land used for the commercial production of farm products and/or nursery stock; and
- Entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and/or nursery stock, when such activities occur on land used for the commercial production of farm products and/or nursery stock.

#### ***Agricultural distribution hub***<sup>501</sup>

A place where farmers can deliver agricultural products for pick-up by consumers or wholesalers. This definition does not include industrial uses.

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<sup>495</sup> This is a new definition.

<sup>496</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution for "Accessory Building."

<sup>497</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution with minor revisions.

<sup>498</sup> This simplifies the definition in Sec. 2.020 of the Zoning Resolution.

<sup>499</sup> This is a new definition.

<sup>500</sup> This is a new definition based on the state law definition.

<sup>501</sup> This is a new definition.

***Agricultural equipment sales, rental, and service***<sup>502</sup>

An establishment engaged in the sales, rental, or repair of farm equipment, large and small animal equipment and materials, and related infrastructure or vehicles used for agricultural, horticultural, or animal husbandry operations, but not of non-farm equipment or materials.

***Agricultural operation***<sup>503</sup>

The commercial production of farm products and nursery stock and related activity, including entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and nursery stock, as well as the processing of farm products and nursery stock, when such activities occur on land used for the commercial production of farm products and nursery stock, and which is not included in a specific use type in the Agricultural Uses classification.

***Agricultural processing***<sup>504</sup>

The processing of farm products and nursery stock grown or raised at a different location than the processing establishment including meat preparation; feed mills; dairy processing; timber processing; and fruit and vegetable packing, sorting, and grading, but not including the stockyard or slaughterhouse use.

***Agricultural products sales***<sup>505</sup>

A structure used or intended to be used by the owner or tenants of a farm for the sale of seasonal farm products produced on the farm on which the structure is located.

***Agri-education or agri-tourism***<sup>506</sup>

An establishment that provides facilities for the investigation, testing, or demonstration of products and processes related to agriculture, horticulture, or animal husbandry, including veterinary, soil, plant, and animal sciences, or that provides activities such as corn mazes, self-directed fruit picking (also known as “u-pick” operations), petting zoos, hay rides, demonstration farms, and garden tours, for the purpose of entertaining or educating visitors to the site.

***Airport***<sup>507</sup>

A landing area, runway, or other facility designed, used, or intended to be used for the landing or taking off of aircraft and helicopters, including all necessary taxiways, aircraft storage and tie-down areas, hangars, maintenance facilities, and other necessary buildings and open spaces. There are two types of airports:

***Airport, Private***

An airport that is available for use by the property owner and not for commercial activities.

***Airport, Public***

An airport that is available for use by commercial activities and open to the general flying public.

***Alley***<sup>508</sup>

A minor right-of-way that provides vehicular access to the back or side of properties otherwise abutting a street, and which may be used for utility and service purposes.

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<sup>502</sup> This is a new definition.

<sup>503</sup> This is a new definition based on the state definition of “agriculture” in TCA § 43-1-113.

<sup>504</sup> This is a new definition.

<sup>505</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution for “Roadside Stand.”

<sup>506</sup> This is a new definition that replaces the “Agri-tourism and Education Facilities” definition in Sec. 2.020 of the Zoning Resolution.

<sup>507</sup> This is a new definition; for public hearing draft, definitions from Williamson County were used to differentiate between public and private airports.

<sup>508</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution.

***Amphitheater***<sup>509</sup>

An outdoor, open-air area or structure suitable for musical or theatrical performances, performing arts, or sporting events with tiers of seats, benches, or berms.

***Animal grooming***<sup>510</sup>

An establishment, other than a kennel or veterinary hospital, for the cleaning and grooming of dogs, cats, birds, and other small domestic animals.

***Animal kennel***<sup>511</sup>

An establishment where dogs or cats are boarded for compensation, or where dogs or cats are bred or raised for purposes of sale, animal rescue, or not-for-profit. There are two types of animal kennels:

***Animal kennel, small***

An animal kennel with between eight and 20 dogs or cats kept on site at any one time.

***Animal kennel, large***

An animal kennel with capacity to keep more than 20 dogs or cats on site at any one time.

***Antenna***<sup>512</sup>

Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves. This use does not include the communications tower and equipment principal use, or the satellite dish accessory use.

***Appeal of Administrative Decision***<sup>513</sup>

See Sec. 2.5.15, Appeal of Administrative Decision.

***Assessed Value***<sup>514</sup>

The total value of a parcel, as determined by the Maury County property appraiser, and shown on the most recent property tax bill sent to the owner of record by the County.

***Assisted living facility***<sup>515</sup>

A state-licensed facility that provides or offers to provide any combination of residence, health supervision, personal care, social activities, and other supportive services to individuals who need assistance with activities of daily living such as bathing, dressing, ambulation, feeding, toileting, grooming, medication assistance, diet, cleaning, and personal safety.

***Auction barn and livestock storage***<sup>516</sup>

A facility to which cattle producers bring cattle to be sold via auction, which may include an enclosure designed or used for holding livestock prior to sale or transfer.

***Auction yard***<sup>517</sup>

An open-air area or structure for the sale via auction of heavy machinery (including farm machinery) and vehicles.

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<sup>509</sup> This is a new definition.

<sup>510</sup> This is a new definition.

<sup>511</sup> This makes minor revisions to the definition in Sec. 2.020 of the Zoning Resolution.

<sup>512</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution with additional language to distinguish it from other uses.

<sup>513</sup> This is a new definition.

<sup>514</sup> This is a new definition.

<sup>515</sup> This is a new definition.

<sup>516</sup> This is a new definition that incorporates definition of “Livestock Feeding Yards” in Sec. 2.020 of the Zoning Resolution.

<sup>517</sup> This is a new definition.

**Automated teller machine (ATM)<sup>518</sup>**

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions.

**Auxiliary Disposal Site<sup>519</sup>**

Land or parcels that may be used for effluent disposal and may have other uses. Higher levels of treatment are required for auxiliary disposal sites. These sites shall provide opportunities for beneficial reuse of the treated effluent.

**B**

**Back-up Wastewater Disposal Site<sup>520</sup>**

The back-up land or parcels used to provide a redundant wastewater disposal site, in the event the primary wastewater disposal site no longer provides proper or adequate wastewater disposal.

**Bank and financial institution<sup>521</sup> [new]**

An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, including check-cashing facilities. Drive-through service may be allowed if permitted as an accessory use in the zone district where the establishment is located. Accessory uses include ATMs.

**Bar or tavern<sup>522</sup>**

An establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. Accessory uses may include the sale of food products such as sandwiches and light snacks.

**Basement<sup>523</sup>**

A floor of a building that is partly or wholly underground.

**Bed and breakfast homestay<sup>524</sup>**

A private home, inn, or other small-scale residential facility offering bed and breakfast accommodations and one daily meal, where guests stay for fewer than 14 consecutive days and the innkeeper resides on the premises or property or immediately adjacent to it. This use shall include no more than three guest rooms, which shall be established and maintained distinct and separate from the innkeeper's quarters.

**Billboard<sup>525</sup>**

Any permanently installed, freestanding off-site sign or sign structure over 200 square feet in size. A billboard identifies/advertises and/or directs the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.



<sup>518</sup> This is a new definition.

<sup>519</sup> This is a new definition.

<sup>520</sup> This is a new definition.

<sup>521</sup> This is a new definition.

<sup>522</sup> This makes minor revisions to the definition in Sec. 2.020 of the Zoning Resolution.

<sup>523</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution to define the basement part of a building only—the definition of a “story” has been relocated to Section 8.3.3(A), Building Story.

<sup>524</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution.

<sup>525</sup> This in part replaces the definition of sign, billboard, or other advertising device in Sec. 2.020 of the Zoning Resolution



**Board of Zoning Appeals (BZA)<sup>526</sup>**

The Board of Zoning Appeals of Maury County, Tennessee, in accordance with state statute and Sec. 2.3.3 of this Ordinance.

**Brewery<sup>527</sup>**

An establishment where malt liquors, regardless of alcohol content by volume, are produced in accordance with the production and licensing requirements of the Tennessee Code Annotated.

**Building<sup>528</sup>**

A structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes, and similar structures.

**Building Permit<sup>529</sup>**

An official document issued by the County which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure in accordance with the standards of this Ordinance. Land disturbance activities also require a Building Permit. See Sec. 2.5.12, Building Permit.

**C**

**Caliper<sup>530</sup>**

The diameter of a tree six inches above ground level.

**Campground<sup>531</sup> [new]**

An outdoor facility designed for temporary overnight accommodation of human beings in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Accessory uses may include small-scale office, retail, and other commercial uses commonly established in such facilities.

**Canopy<sup>532</sup>**

A roof-like structure with no walls that is attached or not attached to an adjacent structure. A canopy is not a marquee.

**Canopy tree**

See "Tree, canopy."

**Car wash<sup>533</sup>**

An establishment for the primary purpose of washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

**Caretaker dwelling<sup>534</sup>**

An accessory dwelling unit located on the premises of a nonresidential principal use for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use.

<sup>526</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution.

<sup>527</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution. At staff's request, the separate "craft brewery" use is removed.

<sup>528</sup> This updates the definition in Sec. 2020 of the Zoning Resolution to eliminate the phrase "whether stationary or mobile" at the end.

<sup>529</sup> This is a new definition that replaces the definition in the Module 1A public draft.

<sup>530</sup> This is a new definition.

<sup>531</sup> This is a new definition.

<sup>532</sup> This is a new definition.

<sup>533</sup> This is a new definition.

<sup>534</sup> This is a new definition.



***Carport or garage***<sup>535</sup>

An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of the occupants in the building to which such garage or carport is accessory. A carport is open on at least two sides, while a garage is enclosed and contains vehicular access doors. A carport or garage is considered an accessory structure if it is detached from the principal building(s) on the site.

***Cemetery***<sup>536</sup>

A place used for the permanent internment of deceased human bodies or pet animal bodies. Accessory uses may include columbaria and mausoleums. A cemetery may be on its own lot or may be accessory to another institutional use such as a religious facility.

***Certificate of Occupancy***<sup>537</sup>

A uniform mechanism for ensuring no land or building or other structures or part of a building or other structures that have been erected, moved, or altered in its use shall be used until it is certified to be compliant with the standards of this Ordinance, other related international development codes adopted by the County, and state law.

***Child care center***<sup>538</sup>

A facility that receives or is designed to receive, for care during the absence of a parent or guardian, more than 13 children under 18 years of age, for less than a 24-hour period, as defined and regulated by T.C.A. §§ 71-3-501 *et seq.*

***Child care home, family***<sup>539</sup>

A place or facility on a lot with a residential dwelling that provides care for compensation for at least five but not more than seven children under 18 years of age who are not related to the primary caregiver, for less than a 24-hour period, as defined and regulated by T.C.A. §§ 71-3-501. Additional children related to the primary caregiver are allowed on the premises in accordance with state law.

***Child care home, group***<sup>540</sup>

A place or facility on a lot with a residential dwelling that provides care for compensation for at least eight but not more than 12 children under 18 years of age who are not related to the primary caregiver, for less than a 24-hour period, as defined and regulated by T.C.A. §§ 71-3-501 *et seq.* Up to three additional children may receive care before and after school, and on school holidays, school snow days, and during summer vacation. Additional children related to the primary caregiver are allowed on the premises in accordance with state law.

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<sup>535</sup> This is a new definition.

<sup>536</sup> This is a new definition.

<sup>537</sup> This is a new definition.

<sup>538</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution for “Family Day Care Home.” The reference to required compliance with the licensing requirements of state law has been moved to the use-specific standards for this use and the other child care uses. In addition, the age has been changed from under 17 to under 18 years of age for consistency with state law. We removed the phrase “without transfer of custody” from the definition – that is very unusual to include, and the common definition of a child care center would not imply giving up custody.

<sup>539</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution for “Group Day Care Home” as discussed above. In addition, under state law these uses are not limited to “homes,” and to allow additional flexibility with the location and availability of child care options, we have revised the definition to allow, but not require, that this and the group child care home use occur in a residential dwelling (but that it take place on the same lot as a residential dwelling, for example in an accessory building). We have also incorporated by reference the provisions related to children related to the primary caregiver.

<sup>540</sup> This definition has been revised as discussed above.

**Christmas tree sales<sup>541</sup>**

A temporary retail sales operation, generally conducted wholly outside, that offers for sale Christmas trees and related holiday items, such as wreaths and tree stands.

**Cold storage plant<sup>542</sup>**

A facility primarily engaged in the cold processing and storage of chilled or frozen food products.

**College<sup>543</sup>**

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, and that is accredited by a national association of colleges and universities.

**Commercial feed lot<sup>544</sup>**

A site to which livestock, poultry, pigs, or small animals are transported, and where 250 or more of such animals are kept and fed for the principal purpose of slaughter and sale on the commercial food market, and in which the kept animals do not graze or otherwise seek feed on the land.

**Communication tower and equipment**

A building mounted or ground mounted tower which supports communication equipment for telephone, radio, television, microwave, cellular and similar communications purposes, both for transmission and reception. This use includes radio and television towers, cellular telephone towers, and camouflaged or stealth communication towers, as well as the tower structure and all supports and related facilities and equipment such as cabling, equipment huts, and other associated structures. This use does not include amateur radio operators' equipment, licensed by Federal Communications Commission (FCC), or receiving and transmission facilities used for the County's emergency services.

**Community center<sup>545</sup>**

A facility used for recreational, social, educational, and cultural activities. This includes private nonprofit recreational and social facilities, recreational buildings and facilities, banquet facilities used for hosting special occasion events, and community centers operated by public agencies, and may be private or open to the general public.

**Community garden<sup>546</sup>**

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person, household, family, or organization for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by group members.

**Completely enclosed building<sup>547</sup>**

A structure with at least four walls that is totally enclosed when all doors are closed.

**Conference center<sup>548</sup>**

A facility principally used to host community, educational, business, and professional conferences, seminars, training programs, exhibitions, presentations, and similar events and which may include indoor

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<sup>541</sup> This is a new definition.

<sup>542</sup> This is a new definition.

<sup>543</sup> This is a new definition.

<sup>544</sup> This is a new definition that clarifies the nature of this use and replaces the definition in Sec. 2.020 of the Zoning Resolution.

<sup>545</sup> This is a new definition.

<sup>546</sup> This is a new definition.

<sup>547</sup> This is a new definition.

<sup>548</sup> This replaces the definition in Sec. 2.020 of the Zoning Resolution, which provides: "Conference centers with attendant lodging facilities for students enrolled in and instructors employed by educational and research institutions and for visitors to such facilities and to Maury County."

halls and seating areas, food preparation and dining areas, reception centers, and meeting areas. Lodging intended for temporary use only during the operation of an event at this use may also be included. This use does not include religious institutions, theaters, or amphitheatres.

**Construction-related building<sup>549</sup>**

A temporary structure on the site of a development project that contains offices or is used for storage by the contractor who is working on the construction project.

**Construction and demolition landfill**

A place or facility that accepts wastes resulting from construction, remodeling, repair and demolition of structures and from road building. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock and lumber, road spoils, rebar, paving material

**Contractor's yard<sup>550</sup>**

A building and related outdoor areas used to store and maintain construction equipment and materials, including but not limited to plumbing, electrical, carpentry, roofing, landscaping, road work, and facilities customarily required in the building trade by a construction contractor. This use typically includes office facilities for the contractor.

**Convenience store<sup>551</sup> [new]**

A retail establishment offering for sale food products and beverages for off-site consumption, household items, periodicals, and other general merchandise, and with gross floor area less than 5,000 square feet and typically around 2,500 square feet. This use often is combined with a gas station use.

**Country club<sup>552</sup>**

A chartered, nonprofit membership club with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, swimming, dining facilities, incidental retail sales such as a pro shop, and a locker room.

**County Attorney<sup>553</sup>**

The attorney representing Maury County.

**County Commission<sup>554</sup>**

The County Commission of Maury County, Tennessee, in accordance with state statute and Sec. 2.3.1 of this Ordinance.

**Correctional facility<sup>555</sup>**

A facility for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of civil or criminal law.

**Crematory<sup>556</sup>**

A facility containing furnaces for the reduction of dead bodies (human or animal) to ashes by fire.

**Cul-de-sac<sup>557</sup>**

A street that at one end intersects another street and at the other end terminates in a vehicular turnaround.

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<sup>549</sup> This is a new definition based on the "Construction project office" temporary use in Sec. 4.030D of the Zoning Resolution.

<sup>550</sup> This is a new definition.

<sup>551</sup> This is a new definition.

<sup>552</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution.

<sup>553</sup> This is a new definition.

<sup>554</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution.

<sup>555</sup> This is a new definition.

<sup>556</sup> This is a new definition.

<sup>557</sup> This is a new definition.

**Cultural institution<sup>558</sup> [new]**

An establishment such as a museum, art gallery, botanical garden, or other such facility that displays or preserves objects of interest in one or more of the arts or sciences.

**D**

**Data center<sup>559</sup>**

A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features. A data center typically has few on-site employees.

**Decentralized wastewater disposal site<sup>560</sup>**

The primary land or parcel used for the land disposal of effluent. The wastewater disposal site or sites shall be restricted to use only for effluent disposal.

**Decentralized wastewater treatment and disposal system<sup>561</sup>**

A use designed to collect and treat raw wastewater, and store treated wastewater from nonresidential or residential uses and to utilize land to dispose of the treated effluent. The system includes all components, such as treatment mechanisms and methodologies, collection lines, tanks, pump stations, storage ponds and disposal systems. These systems do not include the single residential or non-residential lots utilizing individual, single on-site wastewater treatment and disposal systems for the treatment and disposal of wastewater, such as septic systems, for which a State Operating Permit from TDEC is not required.

**Decentralized wastewater treatment system<sup>562</sup>**

A system used to collect, treat, and store wastewater. The system includes all components such as collector lines, septic tanks, pump stations, treatment unit(s), and storage ponds.

**Development<sup>563</sup>**

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, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition.

**Diameter at breast height (DBH)<sup>564</sup>**

The measurement of the diameter of a tree trunk taken at a height of four-and-one-half feet above the ground.

**Director of Building and Zoning (“Director”)<sup>565</sup>**

The zoning and codes officer chosen by the Mayor and ratified by the Maury County Commission, in accordance with Sec. 2.3.4 of this Ordinance.

**Distillery<sup>566</sup>**

An establishment where distilled liquors or spirits are produced in accordance with the production and licensing requirements of the Tennessee Code Annotated.

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<sup>558</sup> This is a new definition. In this draft, zoos have been established as a separate use.

<sup>559</sup> This is a new definition.

<sup>560</sup> This is a new definition.

<sup>561</sup> This is a new definition.

<sup>562</sup> This is a new definition.

<sup>563</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution.

<sup>564</sup> This is a new definition.

<sup>565</sup> This renames and updates the definition for “Building Commissioner” in Sec. 2.020 of the Zoning Resolution.

<sup>566</sup> This carries forward, with minor revisions, the definition in Sec. 2.020 of the Zoning Resolution.

***Drive-through facility***<sup>567</sup>

A facility used to provide goods or services through a special window or station for customers who order from their vehicles and leave after receiving the service. The facility can be located in the principal building or in a separate structure. Use types that commonly use drive-through facilities include restaurants, banks (including ATMs), pharmacies, and car washes.

***Driveway***<sup>568</sup>

A paved or unpaved area used for the ingress or egress of vehicles that allows access from a public or private street to a parking lot or building.

***Dwelling, single-family detached***<sup>569</sup>

A residential building located on a single lot that sits on a permanent foundation, is not attached to any other principal structure, and contains a single living unit, not including a mobile home dwelling.

***Dwelling, townhouse***<sup>570</sup>

A building consisting of at least three dwelling units, with no other dwelling, or portion of other dwelling, directly above or below, connected to the adjacent dwelling units by a single common party wall with no opening, and where each unit has a separate entrance and direct ground level access to the outdoors. Individual units may be owner-occupied or leased, and individual units may be owned in fee simple or as part of a condominium. These uses are not multifamily dwellings.

***Dwelling, two-family (duplex)***<sup>571</sup>

A residential building located on one or two lots that contains two dwelling units and that is not attached to any other principal structure.

***Dwelling, mobile home***<sup>572</sup>

A transportable, factory-manufactured dwelling built on a permanent chassis, transportable in one or more sections, designed for use as a dwelling with or without permanent foundation, intended to be and is occupied by one family or housekeeping unit, and includes the plumbing, heating, air conditioning, and electric systems in the structure. This use type does not include camping trailers, motor homes, recreational vehicles, travel trailers, truck campers, or other similar wheeled structures typically used as temporary living quarters.

***Dwelling, multifamily***<sup>573</sup>

A residential building containing three or more dwelling units with varying arrangements of common party walls and entrances where each dwelling unit has an individual entrance to a common hallway or the outdoors, not including a two-family (duplex) dwelling or townhouse dwelling. A multifamily dwelling often has units stacked vertically, sharing common vertical walls and/or horizontal floors and ceilings, and may be called apartments, lofts, condominiums, stacked flats, or age-restricted independent living.

***Dwelling unit***<sup>574</sup>

An area within a structure designed and constructed to be occupied for human habitation by a family. A dwelling unit provides complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

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<sup>567</sup> This is a new definition.

<sup>568</sup> This is a new definition.

<sup>569</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution.

<sup>570</sup> This is a new definition that replaces the definition in the Module 1A public draft.

<sup>571</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution.

<sup>572</sup> This simplifies the definition in Sec. 2.020 of the Zoning Resolution.

<sup>573</sup> This is a new definition that replaces the definition in the Module 1A public draft.

<sup>574</sup> This is a new definition that replaces the definition in the Module 1A public draft.

## E

### ***Electric vehicle charging station***<sup>575</sup>

A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

- A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit, such as a typical household power outlet.
- A Level 2 charging station is a medium-speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.
- A Level 3 charging station is a high-speed charging station that operates on a high-voltage Direct Current (DC) circuit and supports the fastest charging times.

### ***Equestrian facility***<sup>576</sup>

A facility designed and intended for the keeping or boarding of horses or the teaching and display of equestrian skills, including show jumping and dressage, and the hosting of events. An equestrian facility may include the Stable use.

### ***Event venue***<sup>577</sup>

A facility, including open area, that is owned and operated by an entity other than the government for use for an event that is not a usual or customary use on the property. Events that occur at event venues may include, but are not limited to, weddings, wedding receptions, corporate events, cultural gatherings, musical events, festivals, fairs, carnivals, and circuses.

## F

### ***FAA***

Federal Aviation Administration

### ***Family burial ground***<sup>578</sup>

The accessory use for permanent interment of deceased human bodies, located on a portion of a lot that has a principal residential use.

### ***Farm products***<sup>579</sup>

Forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and all other plants and animals that produce food, feed, fiber, or fur.

### ***Farm winery***<sup>580</sup>

An establishment on a working farm with a producing vineyard, orchard, or similar growing area that has facilities on the premises for fermenting and bottling wine and wine related beverages and is licensed by the state to operate as a farm winery. This use may include an area devoted to the sampling and sales of wine and wine-related products.

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<sup>575</sup> This is a new definition.

<sup>576</sup> This is a new definition.

<sup>577</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution.

<sup>578</sup> This is a new definition.

<sup>579</sup> This is a new definition, based on the definition in TCA § 43-1-113(b).

<sup>580</sup> This is new definition, based off the definition in the Williamson County zoning ordinance.



**FCC**

Federal Communications Commission

**Fireworks sales stand<sup>581</sup>**

A temporary retail sales establishment that offers fireworks and related items for sale.

**Fleet fuel depot<sup>582</sup>**

A fuel dispensing facility that dispenses fuel to businesses, organizations, and municipalities that maintain a fleet of vehicles. This use does not include any retail sale of gasoline to the general public and does not include any store sales, vehicle service, or vending operations.

**Floodplain Appeal<sup>583</sup>**

An appeal of the local enforcement officer's interpretation of or a request for a from the standards of Section 5.13, Floodplain District Standards.

**Floodplain Variance<sup>584</sup>**

A variance from the standards of Section 5.13, Floodplain District Standards.

**Forestry operation<sup>585</sup>**

The creation, conservation, and management of forests and forest lands for the continuing use of both commodity and non-commodity benefits. This use does not include tree farms. Accessory uses include office space, storage and maintenance of equipment used to harvest and transport forest trees, and storage of harvested trees.

**Funeral home<sup>586</sup>**

An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performing autopsies or other surgical procedures, or cremation.

**G**

**Garage**

See "Carport or garage."

**Gas station<sup>587</sup>**

An establishment for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and which may offer minor repair services and inspections including but not limited to battery charging, tire repairs, and oil and fluid changes, but not including painting or major repair. A convenience store may be permitted as an accessory use.

**General office<sup>588</sup>**

A facility in which business, professional, administrative and/or clerical activities are conducted, including but not limited to insurance agencies, architects, lawyers, engineers, real estate offices, government offices, motor vehicle licensing branches, post offices, radio/TV stations, video and audio production, programming, research centers, counseling, social services, testing laboratories, advertising agencies, travel agencies, abstract and title agencies or insurance companies, and stockbrokers. This use does not include medical or dental office or clinic uses. Accessory uses may include cafeterias, health and exercise facilities, or other amenities primarily for the use of employees in the firm or building.

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<sup>581</sup> This is a new definition that incorporates the use at Sec. 4.030C of the Zoning Resolution.

<sup>582</sup> This is a new definition.

<sup>583</sup> This revises the definition in Section 5.071.2 of the Zoning Resolution.

<sup>584</sup> This is a new definition.

<sup>585</sup> This is a new definition.

<sup>586</sup> This is a new definition.

<sup>587</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution.

<sup>588</sup> This is a new definition.



**Government facility**<sup>589</sup>

A building or facility housing the offices or operations of a department or agency of the city, county, state, or federal government, or a quasi-governmental organization, together with incidental storage and maintenance of necessary vehicles, including a library but not including the public safety facility use or a school.

**Greenhouse**<sup>590</sup>

A structure consisting primarily of light-transmitting materials and used exclusively for growing plants or vegetables.

**Group home**<sup>591</sup>

A dwelling in which eight or fewer unrelated persons with disabilities reside, along with up to three additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home. For purpose of this use, a disability is defined as a physical or mental impairment that substantially limits one or more major life activities of an individual, including but not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, or major bodily functions.

## H

**Home occupation**<sup>592</sup>

A business, profession, occupation, or trade that is conducted, as an incidental and subordinate use, within a dwelling unit by a resident of the dwelling unit. This use does not include certain occupations that are separately listed in this Ordinance, including family home day care, group home day care, and limited wood assembly.

**Home Occupation Permit**<sup>593</sup>

A uniform mechanism for ensuring that a home occupation complies with the standards of this Ordinance. See Sec. 2.5.8, Home Occupation Permit.

**Hospital**<sup>594</sup>

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

**Hotel and motel**<sup>595</sup>

A building in which temporary lodging is offered for compensation, typically for fewer than 30 consecutive days. The guest rooms may have separate individual sleeping and living rooms and may include limited kitchen facilities. Accessory uses may include food and beverage uses, meeting rooms, and small-scale retail sales. This does not include bed and breakfast homestay or rooming house uses.

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<sup>589</sup> This is a new definition, updated in this draft to incorporate the library use (which was previously a separate use).

<sup>590</sup> This is a new definition.

<sup>591</sup> This is new use. State law (TCA § 13-24-101) requires that group homes which provide shared living quarters for a “person with a disability” be allowed in all zone districts where single-family residential uses are permitted, but it does not define “person with a disability.” The definition of a “person with a disability” has been adopted from federal law (42 U.S.C. § 12102) and Section 504 of the Rehabilitation Act (29 U.S.C. § 794).

<sup>592</sup> This is a new definition.

<sup>593</sup> This is a new definition.

<sup>594</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution.

<sup>595</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution.

***House Moving Permit***

A uniform mechanism for ensuring the movement of a detached single-family home complies with the standards of this Ordinance. See Sec. 2.5.11, House Moving Permit.

***Interpretation***<sup>596</sup>

A uniform mechanism for rendering a formal written interpretation of this Ordinance. See Sec. 2.5.17, Interpretation.

**J**

***Junk or salvage yard***<sup>597</sup>

Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap, or discarded materials or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or any part of other vehicles or machinery not in running condition.

**L**

***Landfill or dump***<sup>598</sup>

An area or site used for the disposal of solid waste or refuse in accordance with the standards of the Tennessee Department of Environment & Conservation.

***Light vehicle rental***<sup>599</sup>

An establishment that provides for the rental of autos, small trucks or vans, trailers, motorcycles, and similar vehicles. Typical examples include car rental agencies and moving equipment rental establishments (e.g., U-Haul).

***Light vehicle repair***<sup>600</sup>

Any facility providing for the repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 8,500 pounds gross vehicle weight, including but not limited to body work, painting, welding, or storage.

***Light vehicle sales***<sup>601</sup>

An establishment that provides for the sale (including through auction) of new or used autos, small trucks or vans, trailers, motorcycles, or recreational boats. Typical examples include automobile dealers, auto malls, boat dealers, and moving equipment rental establishments (e.g., U-Haul). This use does not include the sale of commercial vehicles such as large trucks, mobile homes, motor homes, recreational vehicles, mass transit vehicles, travel trailers, or other similar vehicles greater than 8,500 pounds gross vehicular weight.

***Limited wood assembly***<sup>602</sup>

The production, on a lot with a residential dwelling, of structural wood members and wood containers as defined by Standard Industrial Classification Nos. 2439 and 244, Standard Industrial Classification Manual, Federal Office of Management and Budget..

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<sup>596</sup> This is a new definition.

<sup>597</sup> This is a new definition that replaces the definition in Sec. 2.020 of the Zoning Resolution.

<sup>598</sup> This simplifies the definition of "Sanitary Landfill" in Sec. 2.020 of the Zoning Resolution.

<sup>599</sup> This is a new definition.

<sup>600</sup> This is a new definition.

<sup>601</sup> This is a new definition.

<sup>602</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution with minor revisions.

***Liquor store***<sup>603</sup>

An establishment exclusively for the retail sale of alcoholic beverages, excluding beer, in original packages for consumption off the premises where sold.

**M**

***Manufacturing, artisanal***<sup>604</sup> [new]

Small-scale fabrication, preparation, or production of arts, crafts, foods, and beverages by an artist, artisan, craftsperson, or cook, on the premises, by hand or with minimal automation. Examples include small-scale welding and sculpting or arts and crafts, small-scale 3D printing, small-scale furniture construction, firing of pottery or sculpture in kilns, and local, small-batch bakeries, candy shops, and cheese shops. Accessory uses include retail teaching of these skills to others during fabrication, preparation, or production. This use does not include production of alcoholic beverages or a restaurant.

***Manufacturing, heavy***<sup>605</sup>

An establishment engaged in manufacturing and production activities that may result in substantial off-site noise, odor, vibration, dust, or hazard. Examples include the manufacture or assembly of machinery, vehicles, and appliances (including assembly of automobiles and automobile batteries); the smelting or reduction of ores; oil refining; stockyards, slaughterhouses, and rendering facilities; and the manufacture of petroleum products, explosives, cement, lime, gypsum, plaster-of-paris, fertilizer, corrosive acid, insecticides, radioactive materials, and plastic and synthetic resins.

***Manufacturing, light***<sup>606</sup>

An establishment primarily engaged in printing, production, processing, assembly, manufacturing, compounding, or preparation of goods or products for sale to the wholesale or retail markets or directly to consumers, which does not meet the definition of artisan manufacturing or heavy manufacturing. This use is wholly confined within an enclosed building, does not include processing of hazardous gases and chemicals, and does not generate off-site noise, odor, vibration, dust, or hazard. Examples include assembly of prefabricated parts; manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and drugs (including bottling); manufacturing and mixing of paints; and manufacturing of components, jewelry, clothing, trimming decorations, and similar items.

***Marina***<sup>607</sup>

An establishment for the docking and servicing of boats that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests, and related facilities. Food and beverage services may be allowed as an accessory use.

***Massage therapy establishment***<sup>608</sup>

Any establishment licensed by the Tennessee massage licensure board, other than a regularly licensed and established medical facility, where any person, firm, association, or corporation engages in the activity of massage by a certified massage therapist licensed by the Tennessee massage licensure board.

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<sup>603</sup> This new definition is adapted from similar definition in Williamson County zoning ordinance.

<sup>604</sup> This is a new definition, updated in this draft to include small-scale furniture construction.

<sup>605</sup> This is a new definition that encompasses a comprehensive range of different manufacturing uses appropriate for the county but that might have significant impacts on surrounding properties.

<sup>606</sup> This is a new definition that supports a wide range of industrial uses that have more limited external impacts than the high-intensity manufacturing uses in the heavy manufacturing definition.

<sup>607</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution.

<sup>608</sup> This is a new definition.

***Medical or dental office or clinic***<sup>609</sup>

A facility where medical examination and treatment, including physical therapy, is performed on an outpatient basis, with no overnight stays except under emergency circumstances. This use includes offices for medical professionals.

***Mining***<sup>610</sup>

The extraction of metallic and non-metallic minerals from the earth. This use includes the land, buildings, and machinery associated with the activity of mining.

***Mobile home park***<sup>611</sup>

Land that is planned, used, or intended to be used for the placement and occupancy of more than one mobile home, including all accessory buildings relating to the mobile home uses.

## **N**

***Nonconforming Lot***<sup>612</sup>

A lot for which the area, dimensions, or location was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the current requirements of the Ordinance or the zone district in which it is located.

***Nonconforming Site Feature***<sup>613</sup>

A feature of a developed lot, parcel, or site such as parking areas or landscaped areas lighting that does not conform to the provisions of this Ordinance but that was lawful at the time the feature was put in place.

***Nonconforming Structure***<sup>614</sup>

A structure for which the size, dimensions, or location was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment, to conform to the current requirements of the Ordinance, or the zone district in which it is located.

***Nonconforming Use***<sup>615</sup>

A use which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the current use requirements of this Ordinance in the zone district in which it is located.

***Nonconforming Sign***<sup>616</sup>

A sign which was lawfully erected prior to the adoption, revision, or amendment of this Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the current sign requirements of this Ordinance.

***Nonparticipating landowner***

For purpose of Section 4.2.4(C)(11), Wind Energy Facility, Large, a landowner not under a lease or other property agreement with the owner or operator of the large wind energy facility.

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<sup>609</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution with minor revisions.

<sup>610</sup> This carries forward, with minor revisions, the definition in Sec. 2.020 of the Zoning Resolution.

<sup>611</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution for general clarity and clarifies that it relates to a site where mobile homes are placed for purposes of occupancy.

<sup>612</sup> This is a new definition.

<sup>613</sup> This is a new definition.

<sup>614</sup> This is a new definition.

<sup>615</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution for general clarity, and clarifies how the use does not conform with the current use requirements of this Ordinance.

<sup>616</sup> This is a new definition.

**Nursery<sup>617</sup>**

A parcel of land used to raise nursery stock, conducted within or without an enclosed building. Any retail sales of goods to the public shall be limited to products grown on site, and shall be clearly secondary and incidental to wholesale sales or sales to landscapers, contractors or suppliers.

**Nursery stock<sup>618</sup>**

All trees, shrubs, or other plants, or parts of trees, shrubs, or other plants, grown or kept for, or capable of, propagation, distribution, or sale on a commercial basis.

**Nursing home<sup>619</sup>**

A facility where persons who are not actually ill but require skilled nursing care and other related services because of illness, disease, or physical infirmity are housed and furnished with meals for compensation.

**O**

**Ornamental tree**

See "Tree, ornamental."

**Outdoor display of merchandise<sup>620</sup>**

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

**Outdoor seating or activity area<sup>621</sup>**

The provision of on-site outdoor seating or entertainment areas by an eating or drinking establishment where food or beverages are served for consumption or where outdoor entertainment takes place. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

**Outdoor storage area<sup>622</sup>**

An area that provides for outdoor storage of machinery and equipment, not including vehicles.

**P**

**Parking facility<sup>623</sup>**

A facility designed to accommodate vehicular parking spaces. This use may be on the surface or contained within a structure with one or more floors that are partially enclosed or located on the deck surface of a building. This use refers to standalone facilities that provide parking facilities that are not accessory to a principal use, and may include the payment of parking fees. This definition includes parking lots, parking garages, deck parking, and under-building parking areas.

**Pedestrian way<sup>624</sup>**

A right-of-way intended for use by people walking or rolling in a wheelchair, including sidewalks, greenways, or other paths.

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<sup>617</sup> This is a new definition.

<sup>618</sup> This is a new definition, based on the definition in TCA § 43-1-113(b).

<sup>619</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution with the state law definition of a nursing home in TCA § 68-11-201.

<sup>620</sup> This is a new definition.

<sup>621</sup> This is a new definition.

<sup>622</sup> This is a new definition.

<sup>623</sup> This is a new definition that has been updated in this draft to establish that they are commercial uses that are not supporting a particular principal use.

<sup>624</sup> This is a new definition.

***Personal repair establishment*<sup>625</sup>**

An establishment primarily engaged in the repair of personal property, including repair of televisions and electronics, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment, as well as locksmiths and upholsterer services. This does not include automotive repair services.

***Personal services establishment*<sup>626</sup>**

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature, such as barbershops and beauty parlors, tattoo and piercing studios, nail salons, aestheticians, lash bars, packaging stores, mailing services, printing, engraving, photocopying, picture framing, tailoring, drapery making, taxidermy, employment agencies, and travel agents.

***Place of assembly*<sup>627</sup>**

A building or portions of a building used for the gathering of persons for such purposes as deliberation, education, instruction, entertainment, amusement, drinking, dining, or awaiting transportation, but not including a religious facility.

***Planned Development Map Amendment***

An amendment to the official Zoning Map to a Planned Development District. A planned development district supports development that is master planned and developed under unified control. Planned developments allow more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increase preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zone district regulations. See Sec. 2.5.3, Planned Development District Map Amendment.

***Planning Commission***

The Regional Planning Commission of Maury County, Tennessee, in accordance with state statute and Sec. 2.3.2 of this Ordinance.

***Portable storage container*<sup>628</sup>**

A container that is designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods and that does not contain a foundation or wheels for movement. This use includes shipping containers that can be transported by mounting on a chassis, and POD-type boxes that can be transported on a flatbed or other truck.

***Public park*<sup>629</sup>**

Land maintained and made available to the general public for recreation, exercise, sports, education, rehabilitation, or similar activities, or to enhance the enjoyment of natural features or natural beauty. Public parks may include athletic fields, open areas, playgrounds, dog parks, walking trails, outdoor marine recreation areas, such as beaches and fishing areas, and similar areas. This definition does not include community centers or outdoor recreation uses.

***Public safety facility*<sup>630</sup>**

A facility used to provide police, fire, or emergency medical services to the surrounding community

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<sup>625</sup> This is a new definition.

<sup>626</sup> This is a new definition.

<sup>627</sup> This is a new definition.

<sup>628</sup> This is a new definition.

<sup>629</sup> This is a new definition.

<sup>630</sup> This is a new definition.

## R

### ***Recreation, indoor***<sup>631</sup>

A commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members, such as amusement arcades, indoor aquatic centers, bowling alleys, climbing walls, health clubs, fitness centers, indoor miniature golf, pool, indoor shooting ranges, axe-throwing, roller- or ice-skating, and video arcades. Accessory uses for indoor recreation facilities may include spectator seating, meeting rooms, training rooms, food and beverage services, and retail sales related to the recreation use.

### ***Recreation, outdoor***<sup>632</sup>

A commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members, such as archery ranges, athletic fields (e.g. baseball, softball, soccer, and football), batting ranges, golf course, golf driving ranges, outdoor aquatic centers, outdoor miniature golf, go-cart tracks, paintball, outdoor shooting ranges, state parks, and water parks. Accessory uses for indoor recreation facilities may include spectator seating, meeting rooms, training rooms, food and beverage services, and retail sales related to the recreation use.

### ***Recycling collection center***<sup>633</sup>

A facility, other than a donation box or donation center, where recyclable materials are dropped off and stored until they are transported to a recycling processing center.

### ***Recycling facility***<sup>634</sup>

A facility that receives recyclable materials typically from small collection facilities and commercial vehicles for the purpose of storing, handling, batching, and baling, or sorting prior to transferring to another facility. The facility may be involved with recycling-related collection activities not allowed at small collection facilities. There are two types of recycling facilities: Private recycling facilities that are owned or operated by a non-government entity, and public recycling facilities that are owned and operated by a government entity, including the County, state, or public agencies.

### ***Recycling processing center***<sup>635</sup>

A facility for the sorting, processing, assembling, packaging, baling, and storage of materials.

### ***Recycling recovery facility***

A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. A recovered materials processing facility is not a solid waste processing facility.

### ***Rehabilitation center***<sup>636</sup>

A facility with a purpose of providing formal, organized, services designed for treatment of alcohol or drug use or addiction with the intention of reducing disability or discomfort. Accessory uses may include eating and lodging facilities for staff and guests of the site, classrooms, fitness centers, offices, and similar facilities. Both inpatient and outpatient services may be provided.

### ***Religious facility***<sup>637</sup>

A facility operated, maintained, and controlled by a religious organization for worship or the promotion of religious activities, including but not limited to a church, mosque, synagogue, temple, monastery, or other structure, together with its accessory buildings and uses. Accessory uses may include childcare facilities, educational facilities, and religious leader or caretaker housing.

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<sup>631</sup> This is a new definition.

<sup>632</sup> This is a new definition.

<sup>633</sup> This is a new definition.

<sup>634</sup> This is a new definition.

<sup>635</sup> This is a new definition.

<sup>636</sup> This is a new definition.

<sup>637</sup> This is a new definition.



**Research and development<sup>638</sup>**

A facility for scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, which are not associated with a manufacturing facility on the same site except as incidental to the main purpose of the facility, and for the repair, storage, sale and resale of materials, goods, and products that are incidental to the principal use. This use includes but is not limited to chemical, biotechnology, pharmaceutical and medical research and development, software development, and soils and other materials testing laboratories.

**Restaurant, drive-in<sup>639</sup>**

An establishment that serves food and beverages to customers located in vehicles for consumption on or off premises.

**Restaurant, sit-down<sup>640</sup>**

An establishment that serves food and beverages to customers primarily seated at tables or self-served with food consumed on the premises. Outdoor dining or drive-through service may be allowed if permitted as an accessory use in the zone district where the establishment is located. This use category does not include drive-in restaurants serving food and/or beverages to customers in vehicles.

**Retail sales establishment<sup>641</sup>**

An establishment that does not meet a definition of another principal use in this Ordinance that engages in the sale or short-term rental of goods and merchandise to the general public for personal or household consumption. Typical uses include newsstands, food stores, hardware stores, building supply stores, garden supply stores, pet food stores, antique stores, jewelry stores, pharmacies, furniture stores, florists, bakeries, department stores, auto parts stores (without vehicular service), grocery stores, specialty food stores, equipment rental shops, wedding supply rental establishments, sports equipment stores, bicycle sales, electronic equipment stores, and bookstores. There are three types of retail sales establishment:

**Retail sales establishment, small**

A retail sales establishment with less than 5,000 square feet of gross floor area.

**Retail sales establishment, medium**

A retail sales establishment with at least 5,000 square feet but no more than 15,000 square feet of gross floor area.

**Retail sales establishment, large**

A retail sales establishment with at least 15,000 square feet of gross floor area.

**Retirement community<sup>642</sup>**

**Retirement facility<sup>643</sup>**

An establishment for care of the elderly that has common facilities and provides licensed intermediate and skilled nursing services for its residents, as well as other supportive services. This use may include a variety of housing types and provide a variety of levels of assistance and care so that its residents may obtain higher levels of care and service as they age without having to move to another residential care facility.

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<sup>638</sup> This is a new definition.

<sup>639</sup> This revises for clarity the definition in Sec. 2.020 of the Zoning Resolution.

<sup>640</sup> This revises for clarity the definition in Sec. 2.020 of the Zoning Resolution.

<sup>641</sup> This is a new definition.

<sup>642</sup> This is a new definition.

<sup>643</sup> This is a new definition.

**Rooming house**<sup>644</sup>

A residential building which provides living accommodations for up to six persons, where the individual sleeping units do not have individual cooking facilities, and which may include common cooking and dining facilities and may have individual or shared bathrooms.

**S**

**Sanitary landfill**<sup>645</sup>

A method of disposing of solid waste into or on land without creating nuisances or hazards to public health or to the environment by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer(s) of an approved material.

**Satellite dish, accessory**<sup>646</sup>

A parabolic antenna designed to receive electromagnetic transmissions from extraterrestrial sources such as a satellite.

**School, k-12**<sup>647</sup>

An educational institution that offers a program of instruction for any grade level or combination of grade levels kindergarten through 12<sup>th</sup> grade meeting state requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, and other facilities that further the educational mission of the institution.

**School, vocational**<sup>648</sup>

A public or private school that offers vocational or trade instruction to students, such as teaching of trade or industrial skills, clerical or data processing, barbering or hair dressing, cosmetology, computer or electronic technology, or artistic skills.

**Seasonal sale of farm produce**<sup>649</sup>

The temporary sale of goods on the same site as that farm at which they are produced.

**Self storage**<sup>650</sup>

An establishment consisting of independent units for the storage of business or household goods or contractors' supplies. This use does not include the wholesale or retail sale of goods or commodities including, but not limited to, flea markets or yard and garage sales, the use of the storage areas for business or living purposes, or the storage of petroleum and other potentially hazardous and flammable materials.

**Shrub**<sup>651</sup>

A woody plant that is usually greater than three feet but less than twenty feet in height that generally exhibits spreading stems and a bushy appearance.

**Sidewalk**<sup>652</sup>

A hard-surface or raised pathway located within or outside the street right-of-way that is intended for use by people walking or rolling in a wheelchair.

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<sup>644</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution.

<sup>645</sup> This is a new definition.

<sup>646</sup> This is a new definition.

<sup>647</sup> This is a new definition.

<sup>648</sup> This is a new definition.

<sup>649</sup> This is a new definition.

<sup>650</sup> This revises the definition for "Mini Storage Warehouse Facility" in Sec. 2.020 of the Zoning Resolution.

<sup>651</sup> This is a new definition.

<sup>652</sup> This is a new definition.

**Sign<sup>653</sup>**

Any display of letters, words, numbers, symbols, emblems, objects, pictures, or any combination thereof made visible for the purpose of attracting attention or of making something known, whether such display be made on, attached to, or constructed as part of a building, structure, vehicle, or object. This term does not include murals.

**Sign, Freestanding<sup>654</sup>**

A sign that is not attached to any building, such as monument signs. The definition of a “freestanding sign” does not include a portable sign.



**Sign, Ground<sup>655</sup>**

A free-standing sign with its base or its supports mounted directly to the ground having either (1) two sign faces that are located back-to-back on a single structure, or (2) as an option only for entrances to subdivisions (residential and non-residential), two separate single-faced signs.

**Sign, Off-premises<sup>656</sup>**

A sign relating to a product, service, or establishment that is not located on the premises on which the sign is located.

**Sign, On-premises<sup>657</sup>**

A sign relating to a product, service, or establishment that is located on the premises on which the sign is located.

**Sign, On-site Construction<sup>658</sup>**

A temporary sign erected and maintained on a site during a period of construction.

**Sign, On-site Special Event of Interest<sup>659</sup>**

Any temporary sign erected for the purpose of announcing a special event or function, to be held on specific dates, which may be of general interest to the community.

**Sign, On-site Directional<sup>660</sup>**

An attached or freestanding on-site non-commercial sign directing the movement of pedestrian or vehicular traffic on the premises where it is located.



**Sign, Professional and Nameplate<sup>661</sup>**

An identification sign bearing only the name, address, and the occupation of the occupant.

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<sup>653</sup> This in part replaces the definition of sign, billboard, or other advertising device in Sec. 2.020 of the Zoning Resolution.

<sup>654</sup> This is a new definition.

<sup>655</sup> This is a new definition.

<sup>656</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution and adds the word “located”.

<sup>657</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution and adds the word “located”.

<sup>658</sup> This is a new definition.

<sup>659</sup> This is a new definition.

<sup>660</sup> This is a new definition.

<sup>661</sup> This is a new definition.

**Sign, Real Estate<sup>662</sup>**

A temporary sign on the premises of a property which is for sale, rent, or lease.

**Sign, Roof<sup>663</sup>**

Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.

**Sign, Wall<sup>664</sup>**

A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

**Sign Permit<sup>665</sup>**

A uniform mechanism for ensuring that the erection and maintenance of signs complies with this Ordinance. See Sec. 2.5.7, Sign Permit.

**Site Plan<sup>666</sup>**

A uniform mechanism for ensuring that the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards. See Sec. 2.5.5, Site Plan (Minor or Major).

**Slaughterhouse**

A facility for the slaughtering and processing of animals and the refining, packaging, and distribution of their byproducts.

**Solar energy conversion system, large-scale<sup>667</sup>**

A facility consisting of solar panels, modules, and related equipment (such as heat exchangers, pipes, inverters, wiring, and storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As a principal use, a solar energy collection system is designed to meet demands for a large area and is typically mounted on the ground.

**Solar energy conversion system, small-scale<sup>668</sup>**

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roofs of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

**Solid waste<sup>669</sup>**

Garbage, trash, refuse, abandoned material, spent material, byproducts, scrap, ash, sludge, and all discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and agricultural operations, and from community activities. Solid waste includes, without limitation, recyclable material when it is discarded or when it is used in a manner constituting disposal. Solid waste does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (33 U.S.C. § 1342).



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<sup>662</sup> This is a new definition.

<sup>663</sup> This is a new definition.

<sup>664</sup> This is a new definition.

<sup>665</sup> This is a new definition.

<sup>666</sup> This is a new definition.

<sup>667</sup> This is a new definition.

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<sup>669</sup> This is a new definition.

**Special event<sup>670</sup>**

A temporary activity at a specific location that is planned or reasonably expected to attract substantial assemblies of people that is not otherwise defined in this Ordinance, such as a tent revival or music festival.

**Special Exception<sup>671</sup>**

A use which is specifically permitted if the owner can demonstrate via the Special Exception Permit process that it will meet certain standards, enumerated safeguards, or qualifying conditions.

**Special Exception Permit<sup>672</sup>**

A uniform mechanism to ensure that special exception uses are appropriate for the location and district where they are proposed. See Sec. 2.5.4, Special Exception Permit.

**Stable<sup>673</sup>**

A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity.

**Stable, accessory<sup>674</sup>**

A facility for the keeping of horses or other domestic animals for personal use and that is accessory to a principal residential use.

**Storage building<sup>675</sup>**

A building accessory to the principal building on the site that is used primarily for the storage of nonhazardous material.

**Street<sup>676</sup>**

A right-of-way which affords the principal means of access to more than one lot of abutting property, including roads, highways, thoroughfares, avenues, drives, lanes, and boulevards.

**Street, Private<sup>677</sup>**

A street that is owned by a private entity and that has not been dedicated or otherwise accepted as a public street by the County or another government entity.

**Street, Public<sup>678</sup>**

A street that has been dedicated for public use and accepted by the County or state.

**Structure<sup>679</sup>**

Any combination of materials constructed or erected, which requires location on the ground or attachment to anything located on the ground, including buildings, towers, signs, billboards, and fences.

**Swimming pool<sup>680</sup>**

A structure, either in-ground or above ground, designed, used, or intended to contain water to a depth of 36 inches or greater at any point.

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<sup>670</sup> This is a new definition for a use that replaces the more specific “Religious Tent Meeting” use in Section 4.030F of the Zoning Resolution.

<sup>671</sup> This revises for clarity the definition in Sec. 2.020 of the Zoning Resolution.

<sup>672</sup> This is a new definition.

<sup>673</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution and removes the 10 horse minimum for this standard.

<sup>674</sup> This is a new definition.

<sup>675</sup> This is a new definition.

<sup>676</sup> This modernizes the definition in Sec. 2.020 of the Zoning Resolution.

<sup>677</sup> This is a new definition.

<sup>678</sup> This is a new definition.

<sup>679</sup> This revises for clarity the definition in Sec. 2.020 of the Zoning Resolution.

<sup>680</sup> This revises for clarity the definition in Sec. 2.020 of the Zoning Resolution.

## T

### ***Tasting Room***<sup>681</sup>

A use accessory to a brewery, distillery, farm winery, or winery at which guests may sample the manufacturer's products and consume other nonalcoholic beverages

### ***TCA***

Tennessee Code Annotated

### ***TDEC***

Tennessee Department of Environment and Conservation

### ***TDOT***

Tennessee Department of Transportation

### ***Temporary dwelling unit for cases other than medical hardship***<sup>682</sup>

A mobile home placed on a lot which already contains a residential structure for the purpose of preventing an exceptional hardship of the applicant due to damage to the principal residence on the site which renders it uninhabitable.

### ***Temporary extractive use***<sup>683</sup>

The development or extraction of mineral deposits from their natural occurrences on affected land for a temporary period of time. This use includes quarries, borrow pits, sand and gravel operations, mining, and soil mining. This use does not include grading and removal of dirt in accordance with a development approval or permit granted in accordance with this Ordinance.

### ***Temporary family healthcare structure***<sup>684</sup>

A transportable healthcare environment that is specifically designed with environmental controls, biometric and other remote monitoring technology, sensors, and communication systems to support extended home-based medical care, rehabilitation, and the provision of home- and community-based support and assistance for an older adult or person with a disability on the property where family members or unpaid caregivers who participate in the person's care reside. A temporary family healthcare structure. Is primarily assembled at a location other than its site of installation; Is limited to one occupant who shall be the older adult or person with a disability who requires extended home-based medical care, rehabilitation, or the provision of home and community-based support and assistance; meets the accessibility guidelines of the federal department of housing and urban development and the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.); and has no more than 500 square feet of living area.

### ***Temporary road material manufacture***<sup>685</sup>

A temporary manufacturing plant used to make asphalt, concrete, or other materials used for the surfacing of County or state roads.

### ***Temporary real estate sales office***<sup>686</sup>

A structure on the site of a residential subdivision that is used as an office to support the sale of real estate in that subdivision. The structure may be a mobile home or a residential dwelling before occupancy by a family.

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<sup>681</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution with minor revisions.

<sup>682</sup> This is a new definition for the use carried forward from Sec. 4.030H of the Zoning Resolution, and following discussions with staff limits its applicability to temporary residence due to the uninhabitability of the principal residence on the site.

<sup>683</sup> This is a new definition for a use added to the Zoning Resolution on March 1, 2023.

<sup>684</sup> This updates the definition in Sec. 4.030H of the Zoning Resolution for "Temporary Dwelling Unit in Case of Medical Hardship", for consistency with the state law definition in TCA § 13-7-501(3).

<sup>685</sup> This is a new definition.

<sup>686</sup> This is a new definition.



***Temporary Use Permit***

A uniform mechanism authorizing a temporary use, in accordance with this Ordinance. See Sec. 2.5.9, Temporary Use Permit.

***Theater***<sup>687</sup>

A building designed or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, and dramas and which typically have fixed seating.

***Tower***<sup>688</sup>

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

***Transfer station***

A place or facility where non-hazardous solid waste materials are taken from a collection vehicle temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility. There are two types of transfer stations: Private transfer stations that are owned or operated by a non-government entity, and public transfer stations that are owned and operated by a government entity, including the County, state, or public agencies.

***Travel trailer***<sup>689</sup>

A vehicular, portable structure designed as a temporary dwelling for travel, recreation, vacation, and other uses and which can function without connections to external water, sewer, and electrical systems. Travel trailers are not permitted as a use in the Residential uses category.

***Travel trailer park***<sup>690</sup>

A plot of land designed and equipped to accommodate travel trailers parked in designated spaces for limited periods of time. A travel trailer park may include accessory uses that are related to the operation of the use or persons residing in travel trailers on the site, such as a management office, indoor or outdoor recreational facilities, and laundry facilities. There are two types of travel trailer parks:

***Travel trailer rental***<sup>691</sup>

An establishment that provides for the rental of travel trailers.

***Tree***<sup>692</sup>

Any living woody self-supporting perennial plant which normally grows to a mature overall height of a minimum of 15 feet.

***Tree, canopy***<sup>693</sup>

A tree with a trunk that measures at least 24 inches in circumference measured at the diameter at breast height (DBH), at maturity.

***Tree, ornamental***<sup>694</sup>

A flowering or showy tree that has an expected height at maturity of no greater than 30 feet. For the purposes of this Ordinance, an ornamental tree is also considered to be an understory tree.

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<sup>687</sup> This is a new definition.

<sup>688</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution.

<sup>689</sup> This revises the definition in Sec. 2.020 of the Zoning Resolution.

<sup>690</sup> This carries forward the definition in Sec. 2.020 of the Zoning Resolution with revisions to identify example accessory uses.

<sup>691</sup> This is a new definition.

<sup>692</sup> This is a new definition.

<sup>693</sup> This is a new definition.

<sup>694</sup> This is a new definition.



***Tree, understory*<sup>695</sup>**

A roof-like structure with no walls that is attached or not attached to an adjacent structure. A canopy is not a marquee.

***Tree farm*<sup>696</sup>**

Any parcel of land used to raise and harvest trees for wood products, such as lumber, posts and poles, fuel wood, and Christmas trees.

***Truck terminal*<sup>697</sup>**

A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading, or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to trans-shipment.

**U**

***Understory tree***

See “Tree, understory.”

***Utility, major*<sup>698</sup>**

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility facilities include private potable water treatment plants, water towers, wastewater treatment plants, gas compressor stations, and electrical substations. This use does not include communication towers or equipment, package plants that treat wastewater for a single residential subdivision, or septic systems.

***Utility, minor*<sup>699</sup>**

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, and telephone, fiber, and cable television lines.

***Utility System Permit*<sup>700</sup>**

A uniform mechanism for approving new utility systems in the unincorporated County. See Sec. 2.5.10, Utility System Permit.

**V**

***Variance, Floodplain***

See “Floodplain Variance.”

***Variance Zoning***

See “Zoning Variance.”

***Veterinary hospital*<sup>701</sup>**

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. Accessory uses may include animal grooming services, short-term

<sup>695</sup> This is a new definition.

<sup>696</sup> This is a new definition.

<sup>697</sup> This is a new definition.

<sup>698</sup> This is a new definition.

<sup>699</sup> This is a new definition.

<sup>700</sup> This is a new definition.

<sup>701</sup> This is a new definition.

boarding that is incidental to medical care or treatment, cremation services, and limited retail sales of pet-related merchandise.

## **W**

### ***Warehouse***<sup>702</sup>

A facility primarily engaged in the storage or distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution, but excludes the bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

### ***Waste composting facility***<sup>703</sup>

A facility where organic matter derived primarily from off-site is processed by composting or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

### ***Waste processing facility***

A facility or structure or a combination of structures, machinery or devices utilized to perform solid waste processing, including other storage and processing areas. The term does not include collection vehicles.

### ***Waste processing or recycling recovery facility***

A facility that is a waste processing facility or recycling recovery facility, or both.

### ***Wholesale sales***<sup>704</sup>

Establishments or places of business primarily engaged in selling to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large, merchandise, including but not limited to drugs and chemicals, dry goods and apparel, electrical goods, farm products, food, grocery products, hardware, plumbing, heating equipment, machinery, motor vehicles, and automobile equipment.

### ***Wind energy facility, small***<sup>705</sup>

A facility that converts the kinetic energy in wind into mechanical energy, with a rated capacity of less than one megawatt or that uses wind energy turbines that do not exceed 200 feet in height.

### ***Wind energy facility, large***<sup>706</sup>

A facility that converts the kinetic energy in wind into mechanical energy, with a rated capacity of one megawatt or more and with wind turbines that exceed 200 feet in height.

### ***Winery***<sup>707</sup>

An facility in which virtuous liquors are produced and which is licensed by the state as a winery, and does not meet the requirements to qualify as a farm winery.

### ***Winery, farm***

See "Farm winery."

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<sup>702</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution.

<sup>703</sup> This is a new definition.

<sup>704</sup> This is a new definition that integrates the different wholesale trade uses listed in Sec. 5.052b of the Zoning Resolution.

<sup>705</sup> This is a new definition.

<sup>706</sup> This is a new definition.

<sup>707</sup> This updates the definition in Sec. 2.020 of the Zoning Resolution.

***Wind energy conversion system, small***<sup>708</sup>

A facility consisting of one or more rotating wind turbines and related equipment that converts the kinetic energy in wind into mechanical energy. A small wind energy conversion system as an accessory use is intended to primarily reduce on-site consumption of utility power for a home or business.

**Z**

***Zoning Compliance Certificate***<sup>709</sup>

The authorization provided by the Director of Building and Zoning that certifies a proposed development or use complies with this Ordinance. See Sec. 2.5.6, Zoning Compliance Certificate.

***Zoning Map Amendment***<sup>710</sup>

An amendment to the official Zoning Map. See Sec. 2.5.2, Zoning Map Amendment.

***Zoning Ordinance Text Amendment***<sup>711</sup>

An amendment to the text of the Zoning Ordinance. See Sec. 2.5.1, Zoning Ordinance Text Amendment.

***Zoning Variance***<sup>712</sup>

A variance from specific dimensional and numerical standards in this Ordinance when the strict application of the standards would result in unnecessary hardship. See Sec. 2.5.13, Zoning Variance.

***Zoo***<sup>713</sup>

An indoor or outdoor facility where domestic animals are kept for viewing by the public. Accessory uses may include offices for zoo personnel, limited commercial facilities to serve zoo visitors, and bathroom facilities.

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<sup>708</sup> This is a new definition.

<sup>709</sup> The updates the definition in Sec. 2.020 of the Zoning Resolution.

<sup>710</sup> This is a new definition.

<sup>711</sup> This is a new definition.

<sup>712</sup> This is a new definition.

<sup>713</sup> This is a new definition.