

# ZONING RESOLUTION

MAURY COUNTY, TENNESSEE



**Original Adoption: April 21, 1986**  
**Latest Revisions Effective: February 1, 2019**

## Summary of Recent Amendments to the Maury County Zoning Resolution

Summary of Recent Amendments	Effective Date
<p>(1) Change Article 4.014 Item e. regarding the requirements for parking lot design and materials and Change Article 4.014 Item n. by deleting the phrase “Board of Zoning Appeals” and replacing the phrase with “planning Commission”</p> <p>(2) Change Articles 5.041 District A-1 Agriculture-Forestry, 5.042 District A-2 Rural Residential &amp; 5.043 District A-2A Rural Residential to modify the requirements for minimum lot widths as follows:</p> <ul style="list-style-type: none"> <li>• 100-ft minimum for lots approved as part of a Concept Plan or Preliminary Plat.</li> <li>• 200-ft minimum for lots NOT approved as part of a Concept Plan or Preliminary Plat</li> </ul>	Feb. 1, 2019
<p>(1) Modifications to Article II Definitions for additions and changes</p> <p>(2) Articles 5.052, 5.053, 5.061, 5.062 &amp; 5.063 to modify and add dimensional regulations and landscaping requirements</p> <p>(3) Delete from Article 8.011 the following article because it is obsolete</p>	Oct. 18, 2018
<p>(3) Add Article 4.300 Environmental Standards regarding stormwater management and lowest floor elevation determinations</p> <p>(4) Change Articles 5.044, 5.045 &amp; 5.051 to delete mining as a permitted use</p> <p>(5) Relocate Article 8.086 Limited Wood Assembly to Article 4</p>	Aug. 26, 2018
<p>Article 2 &amp; Article 4 - modifications related to Inoperable Vehicles, Junkyard, Scrapyard, Salvage Yard and definitions to make the Zoning Resolution consistent with the Maury County Commission Resolution No. 01-06-29 and to enhance the development standards.</p>	June 24, 2018
<p>Article 5 &amp; Article 6 modifications regarding lot size, design dimensions and density.</p>	July 23, 2017
<p>Article 8.035 – add Item (4) Exceptions to Site Plans Requiring Planning Commission Approval.</p>	Apr. 6, 2017
<p>Add Article 8.012 Zoning Certificate</p>	Dec. 30, 2016
<p>Amendments regarding Breweries, Distilleries &amp; Wineries to include Article II-Definitions, Article 4.200 Standards, Article V Zoning Districts and Article 4.010 Parking</p>	Apr. 21, 2016
<p>Add Article 4.190 – Standards for House Moving</p>	Feb. 24, 2016
<p>Article 5.071, Floodplain District of the Maury County Zoning Resolution is amended by deleting Article 5.071 in its entirety and substituting it with a new Article 5.071 as included herein.</p>	Feb. 21, 2016
<p>Amendments to conform with the changes to <u>Tennessee Code Annotated 13-3-413</u> that became effective on January 1, 2015. Replace <u>Article 6.024 -- Failure to Begin Planned Unit Development</u> with a new article. The new article is titled <u>Article 6.024 – Expiration/Vesting of Planned Unit Development</u>. Add a new article <u>Article 8.036 – Expiration/Vesting of Site Plans</u></p>	Sept. 29, 2015

Add Article 4.180 – Development Standards for Animal Boarding & Kennels. Modify definition in Article 2.020 for Kennel (Dog or Cat Kennel). County Commission Resolution No. 02-15-30.	Feb. 26, 2015
Comprehensive modifications to the entirety of Article 4.090 Signs.	Dec. 19, 2014
Modify Article 8.091 - Procedure: Changes related to who may request amendments to the Zoning Resolution or Official Zoning Map	Sep. 19, 2014
Modify Article 4.090 Signs: Change references to Southern Building Code to ... latest codes adopted by the County Commission. County Commission Resolution No. 08-14-26.	Aug. 24, 2014
Modify Article 7.020 Nonconforming Uses: Change 6-months to 30-months. County Commission Resolution No. 08-14-25.	Aug. 24, 2014
Modify Article VIII: Where applicable change Hearing to Meeting Update online ZR after County Commission approval. County Commission Resolution No. 08-14-24.	Aug. 24, 2014
Add Article 4.160 regarding landfills. County Comm. Resolution No. 12-13-40.	Jan. 2, 2014
Comprehensive revisions to the entirety of ARTICLE VIII – ADMINISTRATION AND ENFORCEMENT. County Commission Resolution No. 12-13-27.	Jan. 2, 2014
Section 2.020 Revised definition of “Restaurant”. Sections 5.051 & 5.052 – add “Restaurant” as a permitted use. County Commission Resolution No. 06-12-28.	Jul. 12, 2012
<b>Summary of Amendments</b>	<b>Effective Date</b>
Section 2.020 Revised the definition of “Kennel – Dog or Cat”. Sections 5.041-A-1 District: add “Private Airports, Landing Strips, and Heliports” as a “Special Exception”. Add Article 4.160 “Required Development Standards for Private Airports, Landing Strips, and Heliports”. County Commission Resolution No. 12-13-40. County Commission Resolution No. 04-10-19.	Apr. 25, 2010
Section 8.070 – Revise wording. Section 8.080 – Revise time limits. County Commission Resolution No. 08-08-35.	Aug. 24, 2008
Add an 18-month waiting period if re-zoning is denied by the County Legislative Body. County Commission Resolution No. 08-07-17. Refer to Section 5.022.	Aug. 26, 2007
Delete wording in 8.030 and 8.034: “Building permits are valid for a period of six (6) months from the date of issuance. If no actual construction has started within six (6) months, the permit may be renewed at an additional fee of \$25.00.” County Commission Resolution No. 08-07-16.	Aug. 26, 2007
Section 5.04: delete Airports-Section C item 3 as a Special Exception.	Mar. 26, 2007
Adoption of revised Floodplain Regulations. Delete some definitions on Section 2.020, delete Section 5.071-Floodplain District in its entirety & replace with new text for Section 5.071, Delete Sections 8.020.F & 8.031.f in their entirety. Commission Resolution No. 03-07-25.	Mar. 19, 2007

Article VIII - Modify procedures for rezoning applications in the Growth Area. Commission Resolution No. 03-06-30: Resolution Approving Procedures for Growth Area Rezoning”.	Mar. 20, 2006
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# MAURY COUNTY ZONING LAW AND PRACTICE

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### **1.010. Purpose**

The purpose of this Resolution is to promote the health, safety, convenience and general welfare by:

- A. Encouraging the most appropriate use of land.
- B. Preventing overcrowding of land.
- C. Conserving the value of land and buildings.
- D. Minimizing traffic hazards and congestions.
- E. Preventing undue concentration of population.
- F. Providing for adequate light, air, privacy and sanitation.
- G. Reducing hazards from fire, flood and other dangers.
- H. Assisting in the economic provision, utilization and expansion of all services provided by the, including but not limited to roads, water and sewer service, recreation, schools and emergency services.
- I. Enhancing the natural, man-made and historical amenities of Maury County.

Achievement of these purposes requires Maury County to address the following considerations in addition to those inherent in the normal regulation of the use and related subdivision of land:

- A. The recently announced decision of the Saturn Corporation to locate its automobile manufacturing facility within the County.
- B. The absence heretofore of zoning or subdivision control by County agencies of the unincorporated sections of the County.
- C. The present inability of Maury County to fund or secure the construction or provision of such urban services as those related to transportation, water, sewers, recreation, schools and emergency services as will be required if the Saturn facility and other growth generators cause a significant increase in population, economic development, and intensity in land use patterns within the County.

The accommodation of this desired growth and economic development with the County's fiscal and planning resources not only is essential, but has been mandated by State Legislation which obligates the Maury County Regional Planning Commission to avoid "such scattered or premature subdivision of land

as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation or other services or would necessitate an excessive expenditure of funds for the supply of such services." To this end, it is anticipated that a detailed development plan will be prepared for the county within two (2) years following the adoption of this Resolution.

In order to preclude scattered development which might not be in conformity with this Growth Management Plan to be commissioned by Maury County, during this interim period, all petitions for rezoning must meet the following criteria:

- I. Commercial, industrial and high density residential development must be designed in such a manner that it does not encroach upon, do environmental damage to, or endanger the peace, health or safety of the general or of any property owners surrounding such development.
- II. All development must be of such character that there is reasonable certainty that the development will be in accord with the Growth Management Plan to be brought forth.
- III. Along arterial highways, setbacks sufficient to provide for potential widening of existing roads, and/or for developing access roads, will be required.

**1.020. Authority**

A resolution, adopted pursuant to the authority granted in Sections 13-7-101 through 13-7-401, Tennessee Code Annotated, to regulate, in the portions of Maury County, Tennessee, which lie outside of municipal corporations; the location, height and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards, courts, and other open spaces; the density and distribution of population; the uses of buildings, land and structures for trade, industry, residence, recreation, agriculture, forestry, soil and water conservation or other purposes. Special districts or zones are established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Tennessee the eligibility for flood insurance under Public Law 1016, 84th Congress, or subsequent related laws or regulations promulgated thereunder. This Resolution shall take effect immediately upon its passage.

**1.030. Title**

This Resolution shall be known as The Zoning Resolution of Maury County, Tennessee, April 21, 1986. The zoning map shall be referred to as the Zoning Map of Maury County, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this Resolution.

**1.040. Enactment**

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

## ARTICLE II - DEFINITIONS

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II-1	2.020 Definitions of General Terms

### **2.010. Scope**

For the purpose of this Resolution and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissible. The word "used" or "occupied" as applied to any land or building shall be constructed to include the words "intended, arranged, or designed to be used or occupied."

### **2.020. Definitions of General Terms**

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this Resolution. Terms not herein defined shall have the meaning customarily assigned to them or such as the context may imply:

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

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

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

**ADMINISTRATIVE PLAN**: A graphic depiction prepared by an individual licensed and/or certified by the State of Tennessee, or an accurate hand drawing, with dimensions, of existing and proposed features on a site as outlined in Section 8.035 contained herein.

**ADULT ORIENTED ESTABLISHMENT**: A use type with the same meaning as the term "adult oriented establishment" as used in TCA § 7-51-1102, and in construing this term, the definitions contained in TCA § 7-51-1102 (1) – (6) and (9) – (26), are likewise incorporated by reference into and made a part of this ordinance.

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

**ADVERTISING SIGN OR STRUCTURES**: See Sign.

**AGRICULTURE USE**: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Maury County are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered.

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

**AGRICULTURAL BUILDING:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation nor shall it be a place used by the public.

**AGRI-TOURISM AND EDUCATION FACILITIES:** Any structure, land, or combination thereof used for tourism or educational purposes as it relates to an active agricultural use. Agri-tourism relates to activities that focus on the visitation of farms by allowing visitors to experience farm life or providing a service to visitors that showcases and sells the yield or products grown on the farm. Uses that fall under this definition include, but are not limited to, farm markets, homegrown restaurants, and participatory farms. Agri-education relates to instruction about crop production, livestock management, soil and water conservation, and various other aspects of agriculture.

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

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

**AMUSEMENT – OUTDOOR:** Land or premises designed to be used by members of the public, for a fee, that contain outdoor amusement facilities, including, but not limited to: miniature golf courses, go-cart racing, vehicular race tracks, amusement parks, and water parks.

**ANTENNA:** Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

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

**AUTOMOBILE WRECKING:** The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

**AUTOMOTIVE JUNKYARD:** Any area, parcel, tract, acreage, or lot of land upon which two (2) or more inoperable motor vehicles are present.

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

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

**BAR OR TAVERN:** An establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products



including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

**BED AND BREAKFAST HOMESTAY:** An owner-occupied building or portion thereof that was formerly a single-family dwelling offering transient lodging accommodations and breakfast to guests for a fee.

**BOARD:** The Maury County Board of Zoning Appeals.

**BORROW PIT:** An area from which soil or other unconsolidated material is removed from a piece of property to be used, without further processing either on-site or off-site, as fill for activities such as landscaping, building construction, or highway construction and maintenance. It is not intended that this definition apply to grading activities within an approved development plan.

**BREWERY:** A facility where malt liquors, regardless of alcohol content by volume, are produced in accordance with any manufacturing or wholesaling license required by Tennessee Code Annotated.

**BREWERY – CRAFT:** A Craft Brewery is an establishment wherein the total floor area of all buildings used for processing/bottling, tasting, sales, wine storage, or office space shall not exceed 25,000 square feet.

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

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

**BUILDING COMMISSIONER:** The Zoning and Codes Officer or his authorized representative appointed by the Maury County Commission.

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

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

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

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

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

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

**CHILD CARE CENTER:** An agency (defined as "day care center" in the law) operated by a person, society, agency, corporation, institution, or religious organization or any other group which receives thirteen (13) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day, without transfer of custody. To operate a "child care center", all required licensing regulations, as administered by the Tennessee Department of Human Services, must be met.

**CLINICAL:** See Medical Facility.

**COMMERCIAL FEED LOT:** Any parcel of land on which 250 or more cattle, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

**COMMON OPEN SPACE:** Undeveloped land within a development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and/or enjoyment by residents or rightful users of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures, agricultural structures, and/or such recreational facilities for residents as indicated on the approved development plan.

**CONSTRUCTION TRAILER:** A factory-manufactured structure located on an approved construction site, not designed for use as sleeping quarters, but to be used in support of construction activities.

**COVERAGE:** The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

**COUNTRY CLUB:** 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, pool, dining facilities, lounge.

**COUNTY COMMISSION:** The Maury County Commission.

**DENSITY:** The number of dwelling units permitted per acre of land.

**DEVELOPMENT:** 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 of development.

**DISTILLERY:** A facility where distilled liquors or spirits are produced in accordance with any manufacturing or wholesaling license required by Tennessee Code Annotated.

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

**DISTURBED AREA:** The area of land where grading, excavation, trenching or other construction activities will take place on a site. Disturbed area means the part of a site on which land-disturbing activities take place. All land area that is to be disturbed at any time during the project is to be counted in determining the disturbed area, even if part of the land will be stabilized before another part is disturbed.

**D.O.T. CLASS C COMMON FIREWORKS:** All articles of fireworks as are now or hereafter classified as "D.O.T. Class C common fireworks" and/or the current D.O.T. classification in the regulations of the United States Department of Transportation for transportation of explosive and other dangerous articles.

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

a. Single Detached Dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.

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

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

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

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

f. Town House means a building, located upon one zone lot, containing not more than two (2) dwelling units, attached at the side or sides in a series of three (3) or more principal buildings each containing not more than two (2) dwelling units. At points of attachment, such buildings shall be separated from each other by fire walls extending from footings through roofs without openings.

g. Mobile Home Dwellings means a detached one-family dwelling with all the following characteristics:

(1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.

(2) Constructed as a single self-contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheels.

(3) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connections to utilities and the like.

Mobile home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

h. Prefabricated Dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flatbed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such

systems. Such structures are distinguished from mobile homes as described elsewhere in this Resolution when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above stated requirements, it shall qualify as a single detached dwelling.

**FAMILY:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (excepting as set forth below) shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four (4) or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as house parents or guardians who need to be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. (See Chapter 24 of Title 13, Tennessee Code Annotated.)

**FAMILY DAY CARE HOME:** A home operated by any person who receives therein for pay five (5) - seven (7) children under seventeen (17) years of age, who are not related to such person and whose parents or guardians are not residents in the same house, less than twenty-four (24) hours per day for care, without transfer of custody. To operate a "family day care home", all required licensing regulations, as administered by the Tennessee Department of Human Services, must be met.

**FIREWORKS STAND:** A tent or structure utilized for the temporary retail sales of D.O.T. Class C common fireworks.

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

**FLOOR AREA RATIO:** The total floor area on a zone lot, divided by the lot area of that same lot. For example, a building containing twenty thousand (20,000) square feet of floor area on a zone lot of ten thousand (10,000) square feet has a floor area ratio of 2.0.

**FORESTRY AREA:** Those land uses devoted to the extraction of forestry products, such as timber or timber products, but excluding any activity involving the rearing, trapping, or slaughter of animals.

**FRONTAGE:** All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

**GASOLINE SERVICE STATION:** Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

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

**GROUP DAY CARE HOME:** Any facility operated by a person which receives a minimum of eight (8) and a maximum of twelve (12) children (and up to three (3) additional school age children who will only be present before and after school, on school holidays, on school snow days, and during school summer vacation) for less than twenty-four (24) hours per day for care outside their own homes, without a transfer of legal custody. To operate a "group day care home", all required licensing regulations, as administered by the Tennessee Department of Human Services, must be met.

**HEALTH DEPARTMENT:** The Tennessee Department of Environment & Conservation.

**HEIGHT:** When referring to a tower, the distance measured from ground surface elevation to the highest point on the tower and appurtenances, even if said highest point is an antenna.

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

**HOME OCCUPATION:** (See Section 4.040.)

**HOSPITAL:** (See Medical Facilities.)

**HOTEL/MOTEL – EXTENDED STAY:** A hotel or motel as defined herein in which the guest rooms have separate sleeping and living areas and may include limited kitchen facilities.

**INCIDENTAL:** An accessory activity, use, or structure which is subordinate to the principal and/or primary use of a building or a parcel of land.

**INOPERABLE MOTOR VEHICLE OR JUNK MOTOR VEHICLE:** An inoperable, abandoned or junked vehicle is defined as any vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in the state of disrepair, or incapable of being moved under its own power. This shall not include farm equipment. It shall be unlawful and considered to be a violation of this resolution to park, store, or leave, any such vehicle on any lot or parcel not within an enclosed structure.

**KENNEL:** “Dog or Cat Kennel” An establishment where dogs or cats are boarded for compensation or where dogs or cats are bred or raised for sale purposes or for animal rescues or are not for profit.

**JUNKYARD (SCRAP YARD):** A lot, land or structure, or part thereof, used for the collecting, storage and/or sale of waste paper, rags, scrap metal, batteries, debris, or discarded material.

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

**LIMITED WOOD ASSEMBLY:** A residential accessory use engaged in producing 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.

**LIVERY OR BOARDING STABLE:** Any parcel of land which is utilized to board ten (10) or more horses which are owned by persons not residing on the premises.

**LIVESTOCK:** Domestic animals of types customarily raised or kept on farms.

**LIVESTOCK FEEDING YARDS:** An enclosure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

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

**LOT:** A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings, including the open spaces required under this Resolution, except as noted in Section 3.020.

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

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

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

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

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

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

**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds.

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

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

**MEDICAL FACILITIES:**

- a. **Convalescent, Rest or Nursing Home:** A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- b. **Dental Clinic or Medical Clinic:** A facility for the examination and treatment of ill and afflicted human outpatients, provided, however, that patients are not kept overnight except under emergency conditions.
- c. **Hospital:** 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.
- d. **Health Center:** A facility utilized by a health unit for the provision of health services.

**MINIMUM FLOOR ELEVATION:** The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

**MINI STORAGE WAREHOUSE FACILITY:** A structure composed of independent units and/or compartments for storage. Said units and/or compartments shall not be used for the wholesale or retail

sale of goods or commodities including, but not limited to, flea markets, yard and garage sales. The bulk storage of petroleum and other potential hazardous and flammable materials is strictly prohibited.

**MINING:** The extraction of metallic and non-metallic minerals from the earth and includes the land, buildings and machinery associated with the activity of mining.

**MOBILE HOME PARK:** Any area, tract, site or plot of land whereupon more than two (2) mobile homes are placed, located or maintained (pursuant to Section 4.100) and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

**MOTOR VEHICLE:** Any self-propelled vehicle.

**NEW CONSTRUCTION:** Structures for which the "start of construction" commenced on or after the effective date of this Resolution.

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

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

**OCCUPANCY:** The purpose for which a building, or part thereof, is used or intended to be used.

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

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

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

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

**QUARRY:** Any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, marl, sand, gravel, limestone, marble or other such non-metallic mineral.

**RECREATIONAL USE:** A park; a facility designed and intended for leisure time pursuits such as picnicking, boating, swimming, hiking and open space utilized for organized games. This does not include commercial facilities such as movie theaters or auditoriums.

**RESTAURANT:** An establishment primarily oriented to the serving of food and/or beverages. This use category does not include those restaurants serving food and/or beverages to customers in vehicles. Drive-In Restaurant: these uses include all restaurants which serve food and/or beverages to customers located in vehicles for consumption on or off premises.

**ROADSIDE STAND:** A structure used or intended to be used solely by the owner or tenants for the sale of only seasonal farm products of the farm on which it is located.

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

**SALVAGE YARD:** A lot, land or structure, or part thereof, used for the collecting, dismantling, keeping, buying, selling, storing and/or salvaging of machinery or inoperable motor vehicles and/or for the sale of parts thereof.

**SEPTIC SYSTEMS:** All septic systems, on-site subsurface disposal fields and appurtenances will be located on the lot served and will not be located in an easement on another lot or tract. 08/01/2005

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

**SHELTER, FALLOUT:** A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, or other emergencies.

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

**SIGN, OFF-PREMISES:** A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

**SIGN, ON-PREMISES:** A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

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

**START OF CONSTRUCTION:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home as defined in Section 5.071.c.1.) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STORAGE BUILDING:** Structures used for the storage or warehousing of goods, but not including temporary storage containers such as portable on-demand units or tractor trailers used for storage.

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



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

**STRUCTURE:** Any combination of materials, including buildings, constructed or erected, the use of which required location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

**SUBDIVISION:** The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Section 13-3-401, Tennessee Code Annotated.)

**SUBSTANTIAL IMPROVEMENT:** Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative costs equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure required to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SWIMMING POOLS:** An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth of any point greater than one and one-half (1 1/2) feet.

**TASTING ROOM:** A facility, or portion of a facility, accessory to a brewery, winery or distillery at which guests may sample the manufacturer's products and consume other nonalcoholic beverages.

**TOWER:** 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.

**TOXIC MATERIALS:** Material (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

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

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

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

**WAREHOUSES:** Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

**WINERY**: A facility where vinous liquors are produced in accordance with any manufacturing or wholesaling license required by Tennessee Code Annotated and fails to meet the requirements to qualify as a Farm Winery.

**WINERY – FARM**: A Farm Winery has a Farm Wine Permit issued by the State of Tennessee and operating in accordance with Tennessee Code Annotated for operation of a Farm Winery

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

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

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

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

**ZONING CERTIFICATE**: The authorization provided through the Building & Zoning Office to occupy premises affirming that the use and conditions of the premises comply with the regulations applicable to the property.

## ARTICLE III - GENERAL PROVISIONS

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### **3.010. Scope**

For the purpose of the Zoning Resolution, there shall be certain general provisions which shall apply, except as specifically noted, to the county as a whole.

### **3.020. Only Two (2) Principal Buildings on Any Lot**

Only two (2) principal buildings and their accessory buildings may be erected on any unsubdivided lot. Provided, however, that this provision shall not apply to group housing developments and mobile home parks approved under the provision of ARTICLE IV, Sections 4.080 and 4.100 or to planned unit developments approved under the provision of ARTICLE VI, of this Resolution.

Further provided that in residential zones, except in R-1 and R-2 Districts, not more than two (2) residences may be permitted on an unsubdivided lot provided that the minimum distance between the residences is 100 feet and the overall density is not more than one residence per 2 1/2 acres.

### **3.030. Lot Must Abut a Street**

No building shall be erected on a lot which does not abut a street for a distance of at least fifty (50) feet, and have direct vehicular access to said street, except as permitted by the County Subdivision Regulations (Section 1-111) and Section 3.020 as contained herein.

### **3.040. Reductions in Lot Area Prohibited**

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

### **3.050. Obstruction to Vision at Street Intersection Prohibited**

On a corner lot in any district, within the area formed by the center lines of the intersecting or intercepting street and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof.

### **3.060. Access Control**

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

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

### **3.070. Accessory Use Regulations**

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

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.

### **3.080. Cemeteries**

No building or structure shall be erected within fifteen (15) feet of the perimeter boundary of any cemetery or graveyard except buildings whose principal use will be for the maintenance or operations of the cemetery upon which they are located.

## ARTICLE IV - SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

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#### **4.010. Off-Street Parking Requirements**

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

- A. Single Detached Dwelling and Duplex: Not less than two (2) spaces for each dwelling unit.
- B. Apartment Dwelling: Not less than one and one-half (1 1/2) spaces per dwelling unit.
- C. Boarding Houses and Rooming Houses: Not less than one (1) space for each one (1) room to be rented.
- D. Town House and Condominium: Not less than two (2) spaces per dwelling unit.
- E. Other Dwelling Units: Not less than two (2) spaces per dwelling unit.
- F. Hotels, Motels and Other Tourist Accommodations: Not less than one (1) space for each room to be rented plus one (1) additional space for each three (3) employees.
- G. Any Auditorium, Church, Stadium, or Other Place of Assembly: Not less than one (1) space for each five (5) seats provided in such places of assembly. For places of assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
- H. Manufacturing, Industrial or Wholesaling Use: Not less than one (1) space for each five (5) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
- I. Office and Professional Buildings: Not less than one (1) parking space for each three hundred (300) square feet of office space located on the first floor space (or fraction thereof) above or below the first or main floor; provided that office space constructed or arranged on the floors above or below the first floors of retail or other business establishments and not used in connection therewith, shall fall within the meaning of this subsection.
- J. Retail Sales and Service Establishments: Not less than one (1) parking space for each two hundred (200) square feet or fraction thereof, of floor space in general commercial districts and

one (1) space for each three hundred (300) square feet, or fraction thereof, or floor space in the rural center districts.

- K. Medical or Dental Clinic: Not less than four (4) spaces per doctor, plus one (1) additional space for each two (2) employees.
- L. Service Stations: Not less than five (5) spaces for each grease rack or service bay, or one (1) space for each one thousand five hundred (1,500) square feet of lot area or fraction thereof, whichever is greater.
- M. Restaurants: Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.
- N. Other: For buildings and uses not listed, the off-street parking requirements shall be determined by the Maury County Regional Planning Commission.

#### **4.011 -- Certification of Minimum Parking Requirements**

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

#### **4.012 -- Combination of Required Parking Spaces**

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

#### **4.013 -- Remote Parking Space**

If the off-street parking space required by this Resolution cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within two hundred (200) feet of the main entrance to such principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this Resolution, has been made for the principal use. Adequate means shall be provided to assure the continuing availability of such land area for parking for the expected duration of such time.

#### **4.014 -- Requirements for Design of Parking Lots**

- a. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a street to obtain egress.
- b. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
- c. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.060 of this Resolution.

d. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

e. A parking lot containing ten (10) or more spaces shall be paved with an all-weather wearing surface of dustless material which shall be either asphalt or concrete. The Planning Commission may permit the use of double bituminous surface treatment (DBST) where the Planning Commission deems it appropriate as part of their site plan review and approval process. The Planning Commission may also consider the use of gravel parking, grass parking or off-site parking where the Planning Commission deems it appropriate as part of their site plan review and approval process.

**4.020. Off-Street Loading and Unloading Requirements**

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

<u>Total Usable Floor Area For Principal Building</u>	<u>Loading Spaces Required (See ARTICLE II for Definition)</u>
0 to 4,999 Sq. Ft.	One (1) space.
5,000 to 9,999 Sq. Ft.	Two (2) spaces.
10,000 to 14,999 Sq. Ft.	Three (3) spaces.
15,000 to 19,999 Sq. Ft.	Four (4) spaces.
Over 20,000 Sq. Ft.	Four (4) spaces, plus one (1) space for each additional 20,000 Sq. Ft.

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

**4.030. Temporary Use Regulations**

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Building Commissioner. A working fee of \$25.00 will be charged for any Temporary Use Permit. Should multiple inspections be required, a fee of \$15.00 will be charged for each additional inspection. Said application shall contain a graphic description of the property to be utilized and a plot plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such uses are located:

- A. Carnival or Circus: May obtain a Temporary Use Permit in the A-1, A-2, A-2A, C-1, C-2, or R-1 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. Christmas Tree Sale: May obtain a thirty (30) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.



C. Fireworks Sales: In any district, except R-1, R-2, or Planned Unit Development, a Temporary Use Permit may be issued for the sale of fireworks for a period not to exceed thirty (30) days. No new fireworks stands are permitted within A-2 and A-2A Districts. In order to set up a temporary fireworks stand in Maury County, the following conditions shall be met:

- An application form shall be completed and all fees paid prior to consideration of the application. The application form shall be obtained from the Maury County Building and Zoning Office.
- Fee is \$500.00 for all each location for all vendors for the designated sales period.
- The Maury County temporary permit may be suspended or revoked for violations of the permit.
- The permittee(s) shall be held responsible in the event of fire, personal injury, physical injury, property damage as a result of negligent or non-negligent acts of the permittee(s) or permittee(s) employees.
- The Maury County temporary permit application shall identify the applicant as a person, corporation, partnership or any other business association or organization.
- Applicant's full legal name, mailing address, telephone number, cell phone number(s), e-mail address(s).
- Name of person in charge of site (on-site manager(s)).
- The street address of the premises to be permitted with Tax Map and Parcel identification.
- Such other pertinent information as Maury County or the issuing authority may require.
- After approval of the application, the applicant will be issued a Maury County temporary permit. The applicant will be required to sign the temporary permit which acknowledges the permittee(s) will comply with any and all conditions and requirements.
- The Maury County temporary permit is not transferable.

The following information must be submitted when making application for a permit:

- A business license must be obtained from the Maury County Court Clerk.
- A valid and current State Fire Marshal Permit.
- A sales tax number for all fireworks sites operated by the same company within Maury County with each specific address identified.
- A Certificate of Liability Insurance in the amount of \$500,000 with Maury County as an additional insured.
- A tent flame retardant certification from a listing agency.
- A site plan showing placement of tent and/or structure on the lot showing dimensions to property lines and separation distance between temporary and existing structures. Site plan shall also show adequate area for parking and turning around.

Following submittal of site plan, a building inspector may visit the location to verify the following guidelines are met:

- All tents and/or structures must meet applicable setbacks.
- "No Smoking" signs must be posted with letters not less than 4" tall.
- Driveway shall be a minimum of 25' wide to accommodate two-way ingress/egress to the site. The driveway shall be paved with gravel, concrete or asphalt within the road right-of-way (from edge of pavement to front property line). When applicable, driveway permits shall be acquired from the Tennessee Department of Transportation or the Maury County Highway Department and a copy supplied to the Maury County Building & Zoning Office.
- Parking within the public right-of-way is not permitted on state highways or local streets or roads.
- Four (4) working fire extinguishers must be kept on site within the selling area at each location. The fire extinguishers shall be 10 pound ABC Type and shall have been inspected within the preceding year.
- Where any fireworks are sold, a distance of 100'\* should remain between said sales site and any residential structure, and 70' from any non-residential structure.
- Must be able to show a minimum of 10 parking spaces (9' x 20' per each parking spot).  
Must be able to provide a minimum of 15 parking spaces on site (9' x 20' per each parking spot). The parking must be compacted crusher run or compacted pug mix (6" minimum depth), concrete, or asphalt. The parking cannot be located on septic disposal fields.
- A portable toilet shall be provided on site.

Additional guidelines:

- Only Department of Transportation (D.O.T.) Class C and/or the current D.O.T. classification fireworks may be sold.
- Fireworks shall not be permitted for discharge within 100' of any temporary and/or permanent structure nor shall fireworks be discharged at any point in the vicinity of the fireworks stand.
- No smoking or any open flame within 50' of where any fireworks are sold.
- The permittee(s) shall maintain the site, premise and surrounding areas in a neat and clean manner.
- All applicable permits must be kept on site and visibly posted in the selling area.
- It shall be the responsibility of the permittee(s) to properly dispose of and/or remove all unsold permitted consumer fireworks.
- Vendors must go through the above process and meet all applicable guidelines for each designated sales period.
- Violations shall be subject to Section 8.100 of the Maury County Zoning Resolution and all applicable State and Federal laws and regulations.

- D. Construction Project Office: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- E. Real Estate Sales Office: In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the Maury County Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- F. Religious Tent Meetings: In any district, except the M-1, General Industrial District, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- G. Seasonal Sale of Farm Produce: In any district, except the M-1, Light Industrial District, a Temporary Use Permit may be issued for the sale of farm produce. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five (5) month period. All structures must be set back from the edge of the roadway a minimum of thirty-five (35) feet.
- H. Temporary Dwelling Units in Case of Medical Hardships: In any district, a Temporary Use Permit may be issued to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

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

Such permit may be initially issued for eighteen (18) months. A permit may be renewed for one year at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

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

- I. Temporary Dwelling Unit in Cases of Other Special Hardships: In any district, a Temporary Use Permit may be issued to place a mobile home temporarily on a lot which already contains a residential structure where the Maury County Board of Zoning Appeals finds that special circumstances or conditions fully described in the findings of the Board exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship of the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Tennessee Department of Environment & Conservation approving the sewage disposal system of the temporary structure. The permit will be initially issued for eighteen (18) months and thereafter may be renewed for one year provided the same hardship conditions continue to exist. The temporary structure shall be treated as an accessory structure.

**J. Temporary Manufacture of Road Materials:** In any district, except the R-1, Suburban Residential, and R-2, Urban Fringe Residential Districts, a Temporary Use Permit may be issued upon approval by the Maury County Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plant as it may deem advisable in the furtherance of the general purposes of this Resolution.

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

#### **4.040. Home Occupations**

##### Statement of Purpose

The purpose of the Home Occupation section of this Resolution is to provide the opportunity for the use of the home for limited business purposes subject to the criteria listed under Type I and Type II.

These criteria are designed to maintain the character of the surrounding residential area, to minimize any conflicts of the home occupation use with the surrounding residential use, and to maintain and protect property values.

Home Occupation means an accessory use of a dwelling unit for a gainful occupation or profession conducted by members of a family residing on the premises. A Home Occupation must be clearly incidental to the primary use of the dwelling as a residence.

##### Type I - Administratively Reviewed:

To be classified as a Home Occupation under this category, the following criteria must be met:

1. The Type I Home Occupation must be conducted solely within the residence of the owner.
2. No alteration to the dwelling shall indicate from the exterior that the building is being utilized for any purpose other than a residential unit.
3. No employees may work in the business other than family members who reside in the dwelling.
4. No outdoor storage and/or display of merchandise shall be permitted.
5. Retail sales shall be prohibited except for the retail sales of products, goods, or services produced on the premises as a result of the Home Occupation.
6. No sign shall be permitted to advertise the Home Occupation which exceeds four square feet; nor shall any lighted or illuminated sign be permitted.
7. No nuisance effects (noise, vibration, odor, discharge of materials, fluids, gasses, excessive lighting, glare, fumes, electrical interference or any similar activity) shall emanate from the conduct of the Home Occupation which would adversely affect the health, safety, or tranquility of the surrounding neighborhood.

8. All parking (loading/unloading) associated with the conduct of the Home Occupation business shall be off-road. Ample area shall be provided on site for these activities.

Type II - Use on Appeal to Board of Zoning Appeals:

To be classified as a Home Occupation under this category, the following criteria, as well as those above, must be met:

1. The Type II Home Occupation may be conducted in an accessory structure located on the same property as the owner's principal dwelling.
2. No alteration to the accessory structure shall be allowed which is not compatible with the residential unit. Subordinate accessory structures may be located in the rear yard only.
3. Not more than one employee who is not a member of the family or does not reside on the premises may work in the business.
4. A general sketch plat (layout) of the applicant's property showing the location of the dwelling, driveway, parking area, accessory buildings, etc. shall be submitted with the application.

When questions arise regarding the legality of a specific Home Occupation, or if a previously permitted Home Occupation creates a potential nuisance or problems to the surrounding area, the Maury County Board of Zoning Appeals shall determine whether said Home Occupation meets the conditions set forth in this section.

**4.050. Fallout Shelter Restrictions**

Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fallout shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two (2) or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

**4.060. Gasoline Service Station Restrictions**

The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
- C. Sign requirements as established in ARTICLE IV, Section 4.090, shall be met.

**4.070. Swimming Pool Restrictions**

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, excluding aprons and walks, shall protrude into any required front yard, in the A-1, A-2, A-2A, R-1, and R-2 Districts.
- B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.

- C. Swimming pools are permitted in A-1, A-2, A-2A, R-1, R-2, and C-1 Districts provided that the pool is intended, and is to be used, solely for the enjoyment of the occupants and their guests of the property on which it is located.
- D. Fencing and Guardrail Opening Limitations. Intermediate dividers such as horizontal slats, vertical slats, spindles, wrought iron, wire fencing, etc. shall have spacing which does not allow the passage of an object of four (4) inches or more in diameter.

**4.080. Development Standards for Group Housing Projects**

This procedure shall be used in the case of a group housing project of two (2) or more residential buildings to be constructed on a plot of ground not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this Resolution. The procedure applies to all proposals for multi-family (i.e., apartment and townhouse units) development whether such units are individually owned or held in common ownership. The reviewing agency for this plan is the Planning Commission.

**4.081 -- Procedure for Submission and Review**

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

**4.082 -- Required Development Standards**

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

- a. Location:
  - 1. The site shall comprise a single lot or tract of land, except where divided by streets.
  - 2. The site shall abut a street.
- b. Density and Dimension:
  - 1. The average number of dwelling units per acre of buildable land, not including streets, shall not exceed that permitted within the applicable district.
  - 2. All yard requirements as established for the districts in which such use is permitted are applicable, except where buildings may be joined by common walls.
- c. Design:
  - 1. Internal Drives: The maximum grade of any drive shall be seven (7) percent unless an alteration is specifically approved by the county engineer.
  - 2. Where feasible, all drive intersections shall be at right angles.
- d. Street Access:
  - 1. The minimum distance between access points along street frontage, center line to center line, shall be two hundred (200) feet.
  - 2. The minimum distance between the center line of an access point and the nearest curb line or street line of a street intersection shall be one hundred (100) feet.
- e. Required Improvements:
  - 1. Internal Drives: Specifications for drives in group housing developments shall be the same as the roadway specifications contained in the Maury County Subdivision Regulations to which reference is hereby made and incorporated herein by reference.
  - 2. Utilities: The development shall be served with utility systems adequate to assure fire protection and removal of liquid waste via a central sewage collection and treatment facility.

3. Storage of Solid Waste: Any central refuse disposal area shall be maintained in such manner as to meet county health requirements and shall be screened from view.
4. Service Building: Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

#### **4.090. Standards for Signs, Billboards, and Other Advertising Structures**

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations are also intended to promote and protect the public health, safety and general welfare. The regulations for signs, billboards, and other advertising structures are to regulate the height, area, location, graphics and other visual aspects of the sign and sign structures.

##### **A. General Regulations:** the following general regulations shall apply as well as the regulations in the latest building codes adopted by Maury County:

1. All outdoor advertising or signs placed adjacent to the Interstate System, National Highway system, Federal-Aid Primary Highway System and State routes shall coordinate with and when required obtain a permit from the TN Department of Transportation.
2. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device or obstruct the vision of any drivers..
3. No sign having flashing, scrolling, revolving, video intermittent or animated illumination shall be permitted within three hundred (300) feet of property line abutting any suburban residential district (R-1, R-2) or residential subdivision.
4. No illuminated sign shall be permitted within fifty (50) feet of property line abutting residential district A-2 or A-2A unless the illumination of such sign is so designed that it does not shine or reflect light onto such A-2 or A-2A property.
5. No ground sign shall be erected to exceed the maximum height limitation for the district in which it is located.
6. Signs shall not overhang any sidewalk.
7. Professional signs and signs for home occupations: the sign face shall not exceed four (4) square feet.
8. Temporary signs and posters are subject to the following regulations:
  - a. Each sign shall not exceed five (5) square feet in area.
  - b. The signs shall not be located closer together than five hundred (500) feet.
  - c. Such signs shall not be nailed, tied or affixed to trees, fence posts or utility poles and shall not be located in the right-of-way.
  - d. All such signs advertising temporary events shall be removed within ten (10) days after the temporary event date.
  - e. Temporary Signs shall not be permitted in any County right-of-way.
  - f. Temporary Signs shall not be permitted in any State right-of-way unless authorized in writing by the Tennessee Department of Transportation.
9. In any district, the following signs shall be permitted:
  - a. For parking areas, on-site directional signs entrance and exit signs: the sign face shall not exceed four (4) square feet in area and
  - b. For parking areas, one (1) sign identifying or designating the conditions of the use of such parking area: the sign face area shall not exceed sixteen (16) square feet in area.

- c. Non-illuminated "For Sale" or "For Rent" signs: the sign face area shall not exceed thirty-two (32) square feet in area.
  - d. One (1) temporary sign giving the names of the contractors, engineers, or architect, during construction of a building: the sign face area shall not exceed twelve (12) square feet.
  - e. Signs established by, or by order of, any governmental agency.
  - f. One (1) sign for special events of interest located upon the site of the event, the sign face area shall not exceed thirty-two (32) square feet.
  - g. In addition to permanent signs, nameplates indicating name and address shall be permitted; the nameplate face area shall not exceed four (4) square feet and 8 feet above grade at the sign location. A nameplate sign is only permitted to identify the name of the occupant of a residence, the occupant's profession, a home occupation or a title, and the address of the dwelling.
10. All signs shall be prepared in a professional manner with professional workmanship. All signs shall be constructed and maintained in a safe manner, comply with applicable codes and kept in good repair.
11. In any district, the following shall control the determination of sign area, and sign height.
- (A) Sign Face Area
- (1) The sign face area shall be the advertising display surface of the sign.
  - (2) The supporting structure or bracing of a sign shall not be counted as a part of sign face area unless such structure or bracing is made a part of the sign's message. See Figure 4-1.
  - (3) The entire surface area of the sign on which text or graphics could be placed is considered the sign face area. See Figure 4-1.
  - (4) 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 3 or more sides are not permitted.

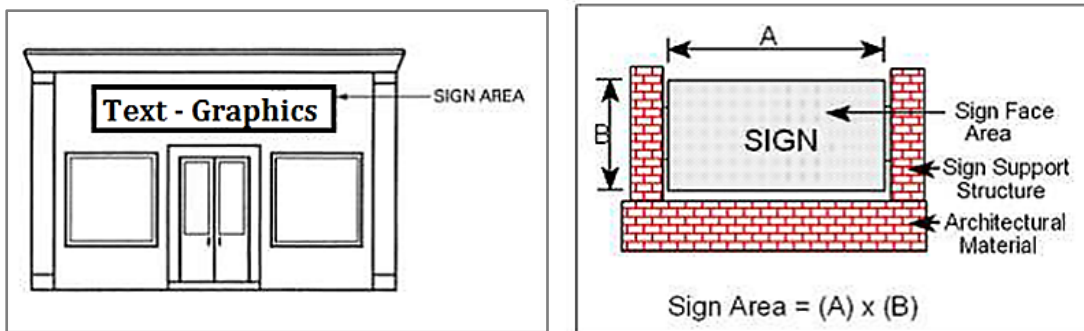


Figure 4-1

- (B) Sign Height and Clearance
- (1) The height of a ground-mounted sign shall be computed as the distance from the base of the sign at the average adjacent grade to the top of the highest part of the sign.
  - (2) Wall signs shall not be placed so as to exceed the height of the wall on which they are placed.
12. Construction must comply with Article 5.071 Floodplain District.
13. In any Planned Unit Development District, the signage requirements set forth in the pertinent subsection of ARTICLE VI shall be applicable in addition to this Article. In case of conflict the more stringent requirement shall apply.



**B. Permanent Signs:**

The following table and information identifies the permanent signs permitted under the listed zoning Use Classification and Use Types.

Use Classifications and Use Types (refer to Use Table)	Permanent Freestanding & Ground Signs		Permanent Wall Signs
	Maximum Sign Face Area (Square Feet)	Max. Sign Height (Feet)	Maximum Sign Face Area (Square Feet per Linear Foot of Building Width Frontage)
<u>All Use Types under the Agricultural Use Classification</u>	36	6	2-SF per LF
<u>Permanent Residential &amp; Temporary Residential Use Types</u>	Not permitted. Signage only permitted with an approved home occupation.		
<u>Group Living &amp; Multi-Tenant Use Types</u>	36	12	2-SF per LF
<u>All Use Types under the Commercial Use Classification</u>	100	12	2-SF per LF
<u>All Use Types under the Public &amp; Institutional Use Classification, Places of Worship, Schools</u>	100	12	2-SF per LF
<u>All Use Types under the Industrial Use Classification</u>	100	12	2-SF per LF

One permanent Freestanding Sign or Ground Sign is permitted per lot or tract. The sign may contain multiple sections within the perimeter of the total sign face area, but the total of all the multiple sign face areas may not exceed the maximum permitted sign face area.
One permanent Wall Sign is permitted on a building. A non-residential multi-tenant building may have a wall sign for each tenant. The Maximum Sign Face Area for each tenant shall be based upon each tenant's Building Width Frontage.
Temporary Signs requirements are listed within other parts of Article 4.090
On-Site Directional Signs & Auxiliary Signs requirements are listed within other parts of Article 4.090
Off-Site Signs requirements are listed within other parts of Article 4.090
For <u>Industrial Use Classifications</u> the sign shall be located such that no portion of the sign is located closer than one-half of the required building setback from the property line.
Billboard requirements are listed within other parts of Article 4.090
For <u>Commercial Use Classifications</u> the sign shall be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form, and proportion. The display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification.

**C. Permanent signs which advertise activities not conducted on the premises of the tract where the sign is located.**

1. The signs shall not be located within the public rights-of-way. The placement shall comply with other setback, yard and buffer requirements.
2. For areas along county roads, only one (1) off-site directional sign shall be permitted on a property which advertises activities not conducted on the premises of the tract where the sign is located. This shall be the same in areas along State or Federal roads unless State or Federal regulations are more stringent, the more stringent shall apply.

**D. Billboards:**

1. Billboards are only permitted in Zoning Districts C-2, C-3, M-1, M-2, M-3.  
A Special Exception Use approval is required for all billboards.
2. Billboards shall be erected or placed in conformity with the side, front, and rear yard requirements and any buffer setbacks of the district in which they are permitted to be located. However, no portion of a billboard shall be erected or placed closer than two hundred (200) feet of any R-1, R-2, A-1, A-2, or A-2A District. Any part of a billboard shall not overhang any setback, buffer or property line.

**E. Prohibited Signs:**

The following types of signs are prohibited in all districts:

1. Signs in any public right-of-way except:
  - a. Signs owned by the County, State, or Federal government; and
  - b. Signs installed by public utilities in their rights-of-way, easements, or on their facilities and bearing no commercial message other than such message necessary to identify the use.
2. Signs that contain or consist of balloons, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention;
3. Signs that have video or scrolling types of display or illumination.
4. Signs that consist of lights that revolve or flash;
5. Signs where the message is changed more frequently than every two hours or four times per 24-hour period;
6. Signs that include air activated or inflated graphics or balloons bearing a commercial message;
7. Signs that rotate, revolve, or otherwise move;
8. Signs that exhibit statements, words or pictures of an obscene nature as defined by State and Federal case law;
9. Signs imitating or resembling official traffic or governmental signs or signals;
10. Graffiti, as defined by State or Federal statute or case law;
11. Roof signs.
12. Banners; fluttering devices; paper or combustible signs; sandwich signs; painted tree trunks; signs mounted to or on stationary or non-functional trailers or trucks parked principally for advertising purposes of any type; swinging or projecting signs; temporary signs on poles, rocks, fence posts or trees; animated, oscillating, rotating, revolving, moving, sequential or flashing devices, objects or signs; string lighting; reflector signs; balloons; searchlights;

signs on liquid tanks; bare bulbs of any type; signs painted directly on building walls; signs, symbols or photos which predominantly appeal to prurient interests.

**F. Non-Conforming Signs**

Non-conforming signs are any sign or sign structure that was legally erected prior to the adoption this Zoning Resolution and otherwise does not conform to the requirements of this Zoning Resolution.

A non-conforming sign shall not be enlarged, expanded, extended, or structurally altered so as to create an additional non-conformity or to increase the extent of the existing non-conformity.

A non-conforming sign shall not be removed, replaced, re-constructed, or relocated in whole or in part to any other location on the same property or any other property unless the replaced, re-constructed, or relocated sign conforms to the provisions of this Zoning Resolution.

No alterations to a non-conforming sign or sign structure shall be permitted except minor repairs and maintenance such as painting or refinishing the surface of an existing sign face or sign structure so as to maintain the appearance.

Any non-conforming sign or sign structure that is destroyed or damaged, not to any fault of the property owner, shall be allowed to be rebuilt in its entirety provided that such sign and sign structure shall comply with applicable setbacks from the existing rights of way.

Non-conforming signs shall also be brought into compliance with this Zoning Ordinance if any of the additional items occur:

- (1) The sign is replaced at the sign owner's discretion
- (2) Any structural or other substantial maintenance or improvements to a non-conforming sign shall be deemed as the loss of the non-conforming status, shall render any prior permit void and shall result in the reclassification of such signs an Illegal Sign.
- (3) Abandoning a non-conforming sign shall terminate the right to maintain the non-conforming sign, and the sign owner shall be required to remove the non-conforming sign. A non-conforming sign shall be considered abandoned if it has displayed no message or that no activity, business product, or service has been produced, conducted, sold, or performed for a period of one (1) year on the premises where the sign is located.
- (4) The use of the business or property changes
- (5) Any sign that is unsafe or insecure or any sign deemed to be an immediate danger or peril to persons or property.

**G. Illegal Signs**

Illegal signs are any sign erected without a required permit, any sign that promotes a business or service that no longer exists or any sign that is considered to be a danger to the general public.

Signs illegally placed in the public right-of-way, off premises, or on premises shall be forfeited to the public and may be confiscated by the Building Commissioner.

## **H. Removal of Signs:**

If the Building Commissioner finds:

- (1) an abandoned sign that has not been removed,
- (2) a non-conforming sign that did not exist prior to the adoption of this ordinance, or
- (3) a sign that is unsafe or insecure,
- (4) an illegal sign

then the Building Commissioner shall give written notice to the property owner, agent, or person having beneficial interest in the building or the sign or the premises on which the sign is located. The property owner shall have the sign removed or brought into compliance with this Zoning Resolution within thirty (30) days after receipt of the written notice. If the sign has not been removed or brought into conformance within the thirty (30) day period, the Building Commissioner shall cause the sign to be removed immediately at the expense of the property owner, agent, or person having the beneficial interest in the building or premises on which the sign is located.

If the Building Commissioner shall find any sign to be an immediate danger or peril to persons or property, the Building Commissioner may remove or order the removal the sign which shall be at the sign owner's expense.

Signs removed shall be subject to disposal.

## **I. Sign Permits and Fees**

Any sign shall comply with the requirements of this Zoning Resolution.

The Building Permit requirements shall be in accordance with the latest Building Codes adopted by Maury County.

The applicant shall submit application forms, instructional sheets, checklists, drawings, documents, forms and fees that must be submitted as part of the application for a sign permit.

## **J. Administration and Enforcement**

The Building Commissioner shall have primary responsibility for the administration and enforcement of these sign regulations, which includes the review and issuance of permits, conducting inspections, and issuance of notices of violation.

1. Before a sign permit may be issued, complete plans and specifications showing the construction, methods of support, and materials used shall be submitted to the Building Commissioner for approval. When required, such plans and specifications shall include the following:
  - (a) A detailed site plan of the property drawn to scale, showing all existing and proposed freestanding signs, buildings, parking areas, driveway entrances to the site and adjacent road rights of way and paving.
  - (b) The total sign face area of existing and proposed signage on the parcel where the proposed sign is to be erected.
  - (c) For billboard applications, the location of all existing billboards with distances to the proposed billboards. This is required to confirm the minimum separation requirements.

- (d) The name and, where applicable, the consent statement of the property owner and/or lessee of the proposed sign site location.
- (e) TN Department of Transportation (TDOT) sign permit where applicable.
- 2. Whenever possible, applications are to be processed within ten (10) working days of receipt of all documents required by the Building Commissioner.
- 3. The sign permit shall become invalid six (6) months from the date of permit issuance if the sign structure is not completed.

#### **4.100. Development Standards for Mobile Home Parks**

##### **4.101 -- Procedure for Submission and Review**

A site development plan as specified in Section 8.030 shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Planning Commission is the agency responsible for this review. Travel trailers may not be placed in mobile home parks.

##### **4.102 -- Required Development Standards**

- a. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- b. The mobile home park shall be located on a well drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.
- c. Dimensional Requirements for Parks:
  - 1. Each mobile home park shall have a front yard of fifty (50) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
  - 2. Each mobile home park shall provide rear and side yards of not less than thirty (30) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
  - 3. In instances where a side or rear yard abuts a street, said yard shall not be less than fifty (50) feet.
  - 4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or twenty-five (25) feet.
  - 5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.
- d. Dimensional Requirements for Mobile Home Spaces:

Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

  - 1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.

2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
  3. Mobile homes shall be harbored on each space so that there shall be at least a twenty (20) ft. clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
  4. There shall be at least one (1) paved, off-street parking space for each mobile home space, which shall be on the same site as the trailer served and may be located in the rear or side of said trailer space.
  5. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet.
  6. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
  7. The minimum lot area per mobile home space shall be three thousand six hundred (3,600) square feet. For double wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.
- e. Required Improvements:
1. Roads within the mobile home park shall be paved to a width of not less than twenty-four (24) feet in accordance with the procedures and standards for minor residential streets as specified in the Maury County Subdivision Regulations. However, the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
  2. All mobile home spaces within the park shall abut an access road as described in Subsection C, 1, of this section.
  3. Each mobile home space shall be provided with a connection to a sanitary sewer line. No mobile home park shall be permitted unless such park is served by a water supply which is adequate to provide fire protection.
  4. Trailers, with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
  5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
  6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
  7. Ground anchors shall be installed at each mobile home space to permit tie downs of mobile homes.
  8. Specifications for drives in mobile home park developments shall be the same as the roadway specifications contained in the Maury County Subdivision Regulations to which reference is hereby made and incorporated herein by reference.
  9. The mobile home park shall be served with utility systems adequate to assure fire protection and removal of liquid waste via a central sewage collection and treatment facility.
  10. Any central refuse disposal area shall be maintained in such manner as to meet county health requirements and shall be screened from view.
  11. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

#### **4.110. Development Standards for Automobile Wrecking, Automotive Junk, Junk and Salvage Yards**

##### **4.111 -- Procedure for Submission and Review**

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

##### **4.112 -- Required Development Standards**

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

- a. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- b. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone or residential use.
- c. All outdoor storage of junk, salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition. Such fence shall be designed to completely screen the operations and shall be located at the required setback line.
- d. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- e. Off-Road Parking: As regulated in ARTICLE IV, Section 4.010.
- f. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
  1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- g. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any road in Maury County except where a more stringent state or federal law applies.
- h. The minimum lot acreage required is 10 acres
- i. The operations and any structures associated with the operations shall be set back a minimum of 150 feet from the property line of any non-industrial use.
- j. Exterior junk or salvage piles shall not exceed 15 feet in height and shall be arranged in a manner (with drives for accessibility) for fire protection purposes.
- k. No burning of junk or other materials shall be permitted.

#### **4.120. Development Standards for Travel Trailer Parks**

Same development standards as required for Mobile Home Parks (Section 4.100) will apply to Travel Trailer Parks. Mobile homes may not be placed in travel trailer parks.

#### **4.130. Development Standards for Utility Systems**

No utility (water, wastewater, gas, electrical or other) system may be created in Maury County without obtaining the prior approval of both the Maury County Regional Planning Commission and the Maury County Commission.

#### **4.140. Standards for the Placement of Single-Wide and Double-Wide Mobile Homes**

Unit must have continuous underpinning.

#### **4.150. Development Standards for the Installation of Communication Towers and Stations**

The purpose of this section is to establish general guidelines for the siting and installation of communication equipment such as towers and antennas. The goals of these standards are to:

1. minimize the total number of towers throughout the county;
2. encourage strongly 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. encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and,
5. enhance the ability of providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

#### **4.151 – Required Development Standards**

Because communication towers and antennas can have a decidedly detrimental effect upon surrounding properties and may adversely affect property value by their general appearance, property owners located within 500' of any property upon which request to locate a communications tower is made shall be notified, by letter, of such request. Said notification shall be mailed seven (7) days prior to the scheduled Board of Zoning Appeals (BZA) meeting by the Maury County Building & Zoning Office. The seven (7) days' notice shall not include the day on which the letter is mailed nor the day of the meeting.

The following standards shall be used as a guide in evaluating whether the proposed installation of communication towers and antennas have properly minimized their objectionable characteristics.

The location of any type of communication tower and/or antenna shall be approved by the Maury County Board of Zoning Appeals as a "special exception use" in those districts where permissible. Applicants shall provide the following information in multiple copies adequate for distribution to the BZA and its staff:

- a. site and landscaping plans drawn to legible scale with details:
  - the site located and highlighted on tax map; identify map and parcel number(s);
  - the site located on colored copies of USGS topographic maps – (7.5 minute).



- b. a written report including a description of the tower with technical reasons for its design;
- c. an inventory and map identifying the location of existing and proposed tower sites owned and operated by the applicant. The inventory shall also include information on the height and design of each existing tower as well as those proposed;
- d. documentation establishing the structural integrity of the tower's proposed uses certified by a professional engineer licensed in the State of Tennessee competent in such design (structural engineer), the general capacity of the tower and information necessary to ensure that American National Standard Institute (ANSI) standards are met;
- e. a written statement of intent whether excess space on the tower will be leased (i.e., total amount of co-locators permitted on tower);
- f. written proof of ownership of the site or a copy of the owner's authorization to use the site;
- g. copies of any easements necessary to gain access or limited development areas;
- h. an analysis of the site containing existing topographical contours based upon field obtained data tied to USGS elevation datum;
- i. a written report from a professional engineer licensed in the State of Tennessee (geotechnical engineer) that the soils and underlying materials will support the intended structure;
- j. written evidence that the tower facility meets technical emissions standards set by the Federal Communications Commission (FCC);
- k. written evidence of "Determination of No Hazard" from the Federal Aviation Administration (FAA) as well as all required FCC permit information;
- l. written evidence as to why this site was selected and why co-location is not a possible venue; and,
- m. written evidence that the site complies with requirements of the National Environmental Policy Act (NEPA) in regard to impact on wildlife, endangered species, historical sites, Indian religious sites, floodplains, wetlands, high intensity white lights in residential neighborhoods and frequency emissions in excess of FCC guidelines.

#### **4.152 – Other Requirements**

- a. Towers shall be located on a lot so that a 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 to ensure its collapse will be contained within an unoccupied fall radius.
- b. Except as specifically required by the FAA or the FCC, communication tower structures shall:
  - be colors of gray or silver only to reduce their visual impacts; and
  - not be illuminated and shall not use strobe lights.
- c. Any proposed tower shall be structurally designed so as to encourage colocation by future additional users.
- d. No advertising or display is permitted on any communication tower.
- e. Any on-site accessory structure shall only be used for the storage of necessary on-site equipment and/or electronics.
- f. Landscaping and vegetative buffers should be installed to reduce visibility from the road and surrounding property.
- g. The tower base, all guy wires, and equipment areas shall be enclosed with a fence no less than six (6) feet in height so as to prevent uncontrolled access by children, pets and others from the street or adjacent properties. Said fencing shall be locked and maintained in good condition.
- h. Approval by the Board of Zoning Appeals shall be valid for a period not to exceed twelve (12) months. If start of construction of the actual tower has not begun within twelve (12) months,

approval shall expire and the applicant will be required to resubmit plans for approval based upon standards outlined in the Zoning Resolution at the time of resubmittal.

#### **4.160 Development Standards for Landfills**

No Landfill for the disposal for solid or hazardous wastes shall be allowed within two (2) miles from the Center of the Duck River on each side.

#### **4.170 Required Development Standards for Private Airports, Landing Strips, and Heliports**

Because airports, landing strips and heliports can have a detrimental effect upon surrounding properties by creating problems of noise and safety concerns, the following standards shall be used:

- a) Private airport, landing strips, and heliports are to be used for agricultural or recreational purposes only.
- b) Runways and landing strips shall have a minimum width of 50 feet and a maximum of 3,000 feet in length.
- c) There shall be no more than one runway or landing strip, or up to two heliport pads, on a single property.
- d) There shall be no more than two aircraft allowed at property.
- e) The airport, landing strip or heliport can only be used under Visual Flight Rules (VFR) as defined by the FAA.
- f) No obstruction shall exist within 50 feet on each side of the center line of the landing field along the full length of the runway, landing strip or heliport pad.
- g) The ends of the runway or landing strip shall be set back a minimum of 1,000 feet from all property lines.
- h) No obstruction shall exist within 1,000 feet from the ends of the runways or landing strips.
- i) Runways, landing strips, and heliport pads shall be set back from the property line a minimum of 200 feet on either side of the runway along points along the runway. If the subject property is adjacent to a residentially zoned property, this setback shall be increased to 1,000 feet.
- j) No aircraft will be hangered, tied down, or parked within the setbacks established above.
- k) Outside of the setbacks from the runways, landing strips, and heliport pads, all buildings hangers or other structures shall be set back a minimum of 100 feet from any street or property line.
- l) The proposed establishment of a private airport, landing strip or heliport shall not in any way conflict or overlap with flight patterns and approach areas of any other airport, landing strip or heliport, whether public or private.
- m) The maximum height of structures on the property shall be subject to all applicable zoning regulations and the provisions of the Federal Aviation Administration, Part 77.

No commercial activity shall be conducted in connection with any private airport, landing strip or heliport unless otherwise permitted and approved within the applicable zoning regulations.

#### **4.180 Development Standards for Animal Boarding and Kennels**

Because animal boarding and kennels can have a detrimental effect upon surrounding properties by creating problems of noise, sanitation and safety concerns, the required standards are listed hereinafter. The standards shall apply to such facilities that are considered as commercial, non-commercial, not for profit, animal rescue.

#### **4.181 -- Procedure for Submission and Review**

A Special Use Exception will be submitted for review by the Board of Zoning Appeals in accordance with the requirements of this Zoning Resolution. Should the Special Use Exception be approved by the Board of Zoning Appeals a site development plan will be submitted for review by the Planning Commission. The site development plan shall be prepared as specified in Section 8.030.

#### **4.182 – Facility Requirements**

1. Kennel facilities must be located to the rear of a residence if the residence is the primary use.
2. Kennel buildings shall be sound proofed structures and must have a 24 hour smoke and fire monitored system.
3. The kennel buildings shall be sound proofed with insulated walls, ceilings and doors for optimum noise control.
4. Minimum size for sleeping accommodations: per dog shall be 28 square feet; per cat shall be 7.5 square feet.
5. The facility, to include all related structures and activities, must be setback a minimum of 400 feet from all front, side and rear property lines.
  - a) All areas such as runs, play areas, exercise areas, areas where animals are kept or areas that animals utilize shall be setback a minimum of 400 feet from all property lines.
  - b) All animal confinement areas shall be screened by a solid fence or wall a minimum of 6 feet in height.
  - c) All outdoor runs shall be confined to a single area of property with fencing separating any individual runs.
  - d) Animals shall be confined in an enclosed sound proofed building between 10 PM and 6 AM the following day.
6. An emergency contact number and the maximum occupancy for animals shall be listed at all exits in case of emergency.
7. All kennel buildings shall utilize non-recirculated ventilation systems that do not recirculate odors from the animal containment areas. The ventilation systems shall provide fresh air exchange to the animal containment areas.
8. Sealed or nonporous walls and floors shall be required within kennel buildings.

#### **4.183 -- Sanitation and Standards of Care**

1. No burial or incineration of animals shall be allowed on the premises.
2. All animals shall be provided with a clean area to lie down and walk around that is free of feces and urine.
3. All animals will be provided with clean, fresh water at all times.
4. All outdoor runs shall provide adequate shelter from rain, direct sun and snow.
5. An on-site wastewater disposal system shall be as approved by the TN Department of Environment & Conservation (TDEC).
6. The facility shall have records on-site regarding Proof of up to date Vaccinations for the animals.

**4.184 -- Required Supporting Documentation**

The applicant shall submit written documentation with their application to include:

1. Site plan with location of sound proofed facility and kennel facilities and features.
2. A manure and hair management plan.
3. Kennel Facility size information to include the Maximum number of animals proposed for the facility
4. A staffing plan for the facility, to include shift hours if any, and staff numbers per shift. The staff ratio shall be no more than 16 animals per 1 staff).
5. Proposed daily animal care and facility cleaning schedule.
6. The third party company providing the 24-hour monitoring of the smoke and fire alarm system.
7. This information is in addition to the requirements listed under 8.080 Special Exception Uses.

**4.190 Standards for House Moving**

In accordance with Tennessee Code Annotated (TCA) Title 13 Part 5, and as amended, the following are the procedures and standards for moving a house from one lot to another lot in the unincorporated area of Maury County, Tennessee.

**4.191 -- Procedure for Submission and Review**

A request to move a house will be submitted for approval by the Maury County Regional Planning Commission as a pre-requisite to submitting for a Building Permit. The applicant shall submit application forms, instructional sheets, checklists, drawings, documents, photographs, forms and fees that must be submitted as part of the application. Structures, to include houses that are to be moved, are subject to the latest Building Codes adopted by Maury County. The proposal must comply with Zoning Resolution and Subdivision Regulations.

**4.192 -- Required Documentation**

1. Completed and signed application forms and fees paid.
2. Type and size of the house to be moved.
3. A Plot Plan in compliance with Article 8.033 Plot Plan Required for One- and Two-Family Detached and Semidetached Dwellings. Add the dimensions of house to be located on the new property, including square footage.
4. A copy of the FEMA FIRM map showing the property to where the house will be moved. Include FIRM panel number and effective date. The applicant may need to retain the services of a TN licensed surveyor and a TN licensed engineer to help determine if the property is or is not in an identified flood hazard zone.
5. Photograph of the house to be moved to include elevations of all sides and the roof.
6. Statement of the condition of the house to be moved by certified Building Inspector or Structural Engineer.
7. List all the improvements to be made to the house once it is moved. Provide drawings and other graphics to assist in describing the work to be accomplished.
8. Estimated date and time of the move.
9. An on-site wastewater disposal system shall be as approved by the TN Department of Environment & Conservation (TDEC).
10. A water availability letter from the water utility provider stating that water service will be provided.
11. For house to be moved, provide the most recent County Real Estate Appraisal Card.

12. For house to be moved, provide the present or original location of house. Include the address and a copy of the County Tax Map with the tract highlighted. List the Tax Map & Parcel Number.
13. For house to be moved, provide the proposed location of house. Include the address and a copy of the County Tax map with the tract highlighted. List the Tax Map & Parcel Number. Provide size of property (acreage or square feet).
14. Photographs of the property. This is to include photographs taken from walking the proposed site and also aerial mapping photographs.
15. Provide addresses and photographs of houses within approximately 1,000 feet of the new property or with the number of contiguous houses identified not to exceed twelve (12). This is to include photographs taken from adjacent to the house and also aerial mapping photographs showing each house.
16. Provide written documentation of approval of the movement of the house from the home owners' association of the development where the house is to be moved, if a home owners' association is in existence.
17. Provide written documentation of approval of the movement of the house from the neighborhood association where the house is to be moved that has been in existence for more than one (1) year prior to the date the house is to be moved, if a neighborhood association is in existence in the area.
18. The applicant must also provide documentation to show that the house to be moved is consistent with the age, value, size and appearance of existing residences within the developed area of single family residences to which the single family residence (house) is to be moved; provided, that the value of the house is equal or greater than that of the existing residences and the size of the house may be larger than that of the existing residences. This shall be as outlined in TCA 13-3-503 and as amended.

**4.193 – Building Permits and Conditions**

1. Structures, to include houses that are to be moved, are subject to meeting the requirements of the latest Building Codes adopted by Maury County.
2. A Building Permit is issued subject to a subsurface sewage disposal permit from the TN Department of Environment & Conservation (TDEC).
3. All improvements must be in compliance with the Planning Commission’s approval and the Building Permit.

**4.194 – Structural improvements -- Timeframe requirements -- Penalties.**

These requirements shall be as outlined in TCA 13-3-504 and as amended.

**4.200 Standards for Breweries, Craft Breweries, Distilleries, Farm Wineries & Wineries**

**4.201 – General Standards**

1. Prior to commencement of operations, the owner shall obtain all applicable licenses and approvals from the Tennessee Alcoholic Beverage Commission, the Tennessee Department of Agriculture, the Tennessee Department of Environment and Conservation, the Federal Alcohol and Tobacco Tax and Trade Bureau and any other licenses or permits required by Local, State and Federal rules, regulations and statutes.
2. The minimum size of the property shall be as listed. If multiple contiguous parcels are proposed as part of the facility, then the parcels must be consolidated into a single parcel by a

Final Plat that must be approved by the Maury County Regional Planning Commission and recorded in the Register of Deeds Office.

	A-1	C-2	C-3	M-1	M-2
Brewery			N/A	N/A	N/A
Craft Brewery	25-acres	N/A		N/A	N/A
Distillery			N/A		N/A
Winery	25-acres	N/A		N/A	N/A
Farm Winery: 15-acres in all zones					

3. Copies of all reports of production activities filed with the US Department of The Treasury, and all other similar reports required to be submitted to State and Federal agencies, shall be provided to Maury County promptly upon request by the Maury County.
4. Permanent restroom facilities must be provided for employees, non-employee's, and visitors at the site as well as for the maximum attendance of any individual event as permitted herein. Portable toilets shall not be utilized to satisfy this requirement of permanent restroom facilities; however, the permanent restroom facilities may be supplemented with portable toilets in conjunction with Temporary Events or as permitted in accordance with this Zoning Resolution and other requirements of Maury County.
5. Building, Parking and Activity Area Setbacks and Buffers shall be as follows:  
 All buildings, parking and activity areas to include entertainment areas shall meet the setback and buffer requirements listed below.  
 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, bottling, tasting and sales.

Facility is Located in the Zoning District listed above the columns  
 Minimum Setbacks and Buffers for All Buildings & Activity Areas (in feet)

	A-1, A-2, A-2A	R-1, R-2	C-1, C-2	C-3	M-1, M-2	M-3	PUDs
Adjacent Zoning District listed below							
A-1, A-2, A-2A	400	400	400	400	400	400	400
R-1, R-2	400	400	400	400	400	400	400
C-1, C-2	200	200	Note # 1	200	Note # 1	200	200
C-3	200	200	Note # 1	200	Note # 1	200	200
M-1, M-2	200	200	Note # 1	200	Note # 1	200	200
M-3	200	200	Note # 1	200	Note # 1	200	200
PUDs	400	400	400	400	400	200	400

Note # 1: Minimum Setbacks and buffers shall be in accordance with standards listed in the respective Zoning District

6. All activities associated with production, bottling, storage, and sales shall be conducted entirely within an enclosed structure. No outdoor storage of any kind, including but not limited to, raw materials, byproducts, equipment and inventory shall be permitted; provided, however, all raw materials or byproducts may be stored in silos or other appropriate structures. Under no circumstances shall raw materials be stored on the ground. The facility shall be maintained in a neat and clean condition and operated so as not to create a nuisance. Conditions within the site shall be controlled to minimize noise and odor.

7. By-products or solid waste from the production shall be properly disposed of off the property. Any on-site wastewater disposal system must be approved by the TN Department of Environment & Conservation (TDEC) and the approval must state the waste loading and waste volume approved for said permit.
8. The use and all buildings and structures must comply with the applicable building code and permitting requirements.
9. The following accessory uses and activities are permitted in conjunction with facility and site:
  - i. Where otherwise permitted by Local or State or Federal law and regulation, the tasting and sales of beverages produced on site and other related products shall be permitted; provided that these uses are clearly subordinate to the production of the beverage.

The aggregate floor area, in square feet, for such tasting rooms and sales shall not exceed the following:

	A-1	C-2	C-3	M-1	M-2
Brewery			4,000	4,000	4,000
Craft Brewery	4,000	4,000		4,000	4,000
Distillery			N/A		4,000
Winery	4,000	4,000		4,000	4,000
Farm Winery: 4,000 sq. ft. in all zones					

- ii. Daily tours shall be permitted between 9:00 a.m. and 8:00 p.m.
  - iii. Deliveries to and from the site shall only be permitted between the hours of 7:00 a.m. and 8:00 p.m.
  - iv. Attendance at events is limited to 250 people. These may include appreciation/education seminars, non-profit benefits, weddings, and similar events conducted for the purpose of marketing the products.
  - v. Outdoor events shall be completed during daylight hours
  - vi. A facility is permitted to include a warming kitchen for purposes of providing food to visitors and for events held on the premises of the facility. Such kitchen operation shall be clearly subordinate to the primary use and shall not operate as a restaurant or other retail/commercial food establishment.
10. The total floor area, in square feet, of all buildings used for processing, bottling, tasting, sales, storage of the finished product, and office space shall not exceed the following:

	A-1	C-2	C-3	M-1	M-2
Brewery			N/A	N/A	N/A
Craft Brewery	25,000	10,000		25,000	25,000
Distillery			N/A		N/A
Winery	N/A	N/A		N/A	N/A
Farm Winery: 25,000 sq. ft. in all zones					

11. The maximum volume of the finished product may be stored on the property is listed as follow:

	A-1	C-2	C-3	M-1	M-2
Brewery			N/A	N/A	N/A
Craft Brewery	15,000 brls	15,000 brls		15,000 brls	15,000 brls
Distillery			N/A		N/A
Winery	N/A	N/A		N/A	N/A
Farm Winery: No maximum					

A brewery barrel is based upon a 31 gallon barrel or equivalent.

#### **4.300 Environmental Standards**

The standards within this article apply to all Zoning Districts

##### **4.301 – Stormwater Management & Detention**

The requirements for stormwater management, detention and drainage design shall comply with the requirements listed within the County’s Subdivision Regulations.

##### **4.302 – Setbacks for Stormwater and Water Bodies & Features**

Buildings shall have a minimum 20-ft. setback from a water body or water feature such as a pond, lake, stream, sink hole, impoundment or similar feature. The location of where the setback shall be applied shall be determined by the Building Commissioner or the Maury County Regional Planning Commission on a case-by-case basis.

State or Federal requirements or permits may require larger setbacks or buffers that will supersede the 20-ft minimum.

The Building Commissioner or the Maury County Regional Planning Commission may require additional biological, engineering and geotechnical engineering studies to address site specific and project specific conditions. The Building Commissioner or the Maury County Regional Planning Commission may apply larger setbacks or buffers as defined by a study.

##### **4.303 – Lowest Floor Elevation (LFE) Determinations & Establishment**

In addition to the requirements listed within Article 5.071 Floodplain District there are other conditions where the determination of an LFE may be required. This is in keeping with Article 1.010 Purpose which states the purpose is to promote health, safety and general welfare. The Building Commissioner or the Maury County Regional Planning Commission shall have the discretion to require an LFE determination based on their interpretation of the site context, topography, site layout and project specific conditions. The applicant may be required to furnish surveying and engineering drawings and documents. An LFE is not finalized until approved by the Building Commissioner or the Maury County Regional Planning Commission.

In addition to areas within a FEMA studied or FEMA mapped floodplain the additional conditions where LFE’s shall be determined and established include, but are not limited to the following:

1. Areas outside of a FEMA studied or FEMA mapped floodplain as determined necessary by the Building Commissioner or the Maury County Regional Planning Commission.



2. Areas in the vicinity of floodplains that have been determined by engineering flood studies as provided with a project submittal or as required by the Maury County Regional Planning Commission. These studies shall be as accepted by the Maury County Regional Planning Commission.
3. Other Flood prone Areas as determined necessary by the Building Commissioner or the Maury County Regional Planning Commission. Examples include, but are not limited to, backwater areas, areas upstream of culverts and impoundments.

**4.304 – Plot Plans & Elevation Certificates for Lowest Floor Elevation (LFE)**

If an LFE is required, a Plot Plan and an Elevation Certificate are required to be provided. The Plot Plan is to be prepared by a TN licensed engineer and submitted with the Building Permit application. The Elevation Certificate is to be prepared by a TN licensed surveyor. The Elevation Certificate shall be submitted at point during the initial phases of the building construction as required by the Building Commissioner. The Building Commissioner may stop or postpone site and building construction activities until these items are completed to the satisfaction of the Building Commissioner.

The Elevation Certificate typically will be on a FEMA Elevation Certificate form however the Building Commissioner has the discretion to determine the format and information required to be provided in the Elevation Certificate.

**4.400 Standards for Limited Wood Assembly Activity**

The establishment of a Limited Wood Assembly activity is to provide the opportunity for the use of an accessory structure for specified wood assembly purposes subject to the criteria listed below.

These criteria are designed to maintain the character of the surrounding land use activity, in compliance with the zoning district, to minimize any conflicts of the Limited Wood Assembly use with surrounding agriculture/residential uses, and to maintain, as well as protect, property values.

Limited Wood Assembly is an accessory use on a zoned parcel owned and operated by a member of a family residing on the zoned parcel. A Limited Wood Assembly activity is incidental to the primary use of the zoned parcel in compliance with zoning district provisions.

The criteria for Board of Zoning Appeals review is as follows:

- a. Limited Wood Assembly is only permitted in the A-1, Agriculture-Forestry District.
- b. A minimum of five (5) acres is required for a Limited Wood Assembly activity.
- c. A Limited Wood Assembly activity shall be located a minimum of 300 feet from the front property line, and a minimum of 100 feet from all other property boundary lines.
- d. The Limited Wood Assembly activity is to be conducted in a single accessory building. The size (total floor area) of the single accessory building, and the total area (building, storage sheds, outside storage, off-road parking, loading/unloading) to be devoted to the Limited Wood Assembly activity shall conform with the following schedule:

<b><u>Property Acreage</u></b>	<b><u>Accessory Building (Sq. Ft.)</u></b>	<b><u>Total Activity Area (Acres)</u></b>
5	Up to 2,500 Sq. Ft.	1.0 Acre
10	Up to 3,750 Sq. Ft.	2.0 Acres
15	Up to 5,000 Sq. Ft.	3.0 Acres
20	Up to 7,500 Sq. Ft.	4.0 Acres
25 or More	Up to 10,000 Sq. Ft.	5.0 Acres

- e. All parking and loading/unloading associated with the conduct of the Limited Wood Assembly activity shall be off-road.
- f. Outside storage is to be to the rear of the accessory building in which the Limited Wood assembly activity is conducted.
- g. All Limited Wood Assembly activities are to be screened from the roadway and from adjoining properties.
- h. Employees of the Limited Wood Assembly activity, including the owner/operator, shall be limited to five (5) for the minimum five (5) acre standard. For every additional employee, five (5) additional acres are required. Total number of employees, including the owner/operator, shall not exceed a total of fifteen (15) persons.
- i. Retail sales shall be prohibited except for the retail sale of products produced on the zoned parcel as a result of the Limited Wood Assembly activity.
- j. No nuisance effects (noise, vibration, odor, discharge of materials, fluids, gases, excessive lighting, glare, fumes, electrical interference or similar activity) shall emanate from the conduct of the Limited Wood Assembly activity which would adversely affect the health, safety, and tranquility of the surrounding area.
- k. Signage for the Limited Wood Assembly activity shall not exceed thirty-two (32) square feet and shall not be lighted or illuminated.
- l. A Preliminary Site Plan shall be part of the application to the Board of Zoning Appeals. (The Maury County Regional Planning Commission will be responsible for the approval of a Final Site Plan.)
- m. Limited Wood assembly activities shall be subject to a review every two (2) years by the Board of Zoning Appeals.

## ARTICLE V - ZONING DISTRICTS

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### **5.010. Classification of Districts**

For the purpose of this Resolution, the following zoning districts are hereby established in Maury County, Tennessee:

#### **A. Agricultural and Residential Districts**

- A-1 Agriculture-Forestry District
- A-2 Rural Residential District
- A-2A Rural Residential District
- R-1 Suburban Residential District
- R-2 Urban Fringe Residential District

#### **B. Commercial Districts**

- C-1 Rural Center District
- C-2 General Commercial District
- C-3 Special Commercial District

#### **C. Industrial Districts**

- M-1 Light Industrial District
- M-2 Heavy Industrial District
- M-3 Special Industrial District

**D. Special Districts**

Floodway District

**E. Planned Unit Development Districts**

R-PUD Residential Planned Unit Development District  
CG-PUD Commercial Planned Unit Development - General District  
CC-PUD Commercial Planned Unit Development - Convenience District  
I-PUD Industrial Planned Unit Development District

**5.020. Zoning Map**

**5.021 – General**

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

**5.022 – Waiting Period if Rezoning is Denied**

If a Map and Parcel has been previously denied Rezoning by the County Legislative Body, an 18 month waiting period is required before the same Map and Parcel can be reviewed and/or reconsidered again by the County Legislative Body.

**5.030. Zoning District Boundaries**

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

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

Where the property on one side of a street between two (2) intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business or industry throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose of this Resolution to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to prohibit business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the intent of the Resolution shall be observed.

**5.040 -- Agricultural and Residential District Regulations.**

The following regulations shall apply in the agricultural and residential zoning districts established in Section 5.010 of this Resolution.

**5.041 -- A-1, Agriculture-Forestry District**

**a. District Description:** This district is intended to preserve space for agricultural and forestry uses which together comprise an important segment of the economy of Maury County. The primary intent of the A-1 District is to minimize conflicts between agricultural and forestry activities and various nonfarm activities; to permit lands best suited for intense agricultural uses to be preserved for these purposes; and to prevent lands unsuitable for development of an urban or nonrural nature, due to topographic problems, location, or the inability to provide necessary urban services, from being encroached upon by these incompatible land uses. Areas assigned to the A-1 District are primarily areas where growth of an urban or nonrural nature is deemed undesirable for one or more of the reasons outlined above. The following regulations shall apply in the A-1, Agriculture-Forestry District, as defined on the Zoning Map of Maury County, Tennessee:

**b. Uses Permitted:** In the A-1, Agriculture-Forestry District, the following uses and their accessory uses are permitted:

1. Agricultural and forestry uses and their accessory structures, as defined in ARTICLE II.
2. Agricultural processing including cotton ginning and compressing, corn shelling, hay baling and threshing services.
3. Animal husbandry services including veterinarian services, animal hospital services and poultry hatchery services.
4. Forestry activities and related services.
5. Fisheries and related services.
6. Detached single-family and duplex dwellings and mobile homes.
7. Utility facilities necessary for the provision of services (pursuant to Section 4.130).
8. 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.
9. Family Day Care Home as an allowable "Customary Home Occupation."
10. Customary Home Occupations as regulated in ARTICLE IV, Section 4.040.
11. Craft Brewery.
12. Farm Winery and Winery

**c. Uses Permitted as Special Exceptions:** In the A-1, Agriculture-Forestry District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VIII, Section 8.080:

1. Educational institutions.
2. Churches, Places of Worship or other places of assembly; cemeteries.
3. Medical facilities.
4. Marinas.
5. Travel trailer parks.

6. Sanitary landfill operations subject to approval of the Maury County Environmentalist and the Tennessee Department of Environment & Conservation and the Maury County Commission.
7. Neighborhood shopping facilities, providing the total floor space devoted to retail sales does not exceed four thousand (4,000) square feet in area for each such establishment.
8. Commercial feed lots which comply with all applicable state and federal laws.
9. Communication services and communication equipment installation.
10. Group Day Care Home.
11. Limited Wood Assembly.
12. Private Airports, Landing Strips, and Heliports

d. Uses Prohibited: In the A-1, Agriculture-Forestry District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

e. Dimensional Regulations: All uses permitted in the A-1, Agriculture-Forestry District shall comply with the following requirements:

1. Front Yard: The minimum depth of the front yard shall be fifty (50) feet.
2. Rear Yard: The minimum depth of the rear yard shall be thirty-five (35) feet for the principal structure and fifteen (15) feet for any permitted accessory structures.
3. Side Yard: The side yard shall be a minimum of twenty (20) feet for a single-story structure. For each additional story over two, an extra additional five (5) feet is required. No accessory and/or detached building may be closer to the property line than the required twenty (20) ft. side setback.
4. Land Area: No farm, ranch, or other parcel of land shall be reduced in area to provide separate lots or building sites of less than two (2) acres in area for each dwelling unit permitted on the lot.
5. Maximum Lot Coverage: Permitted nonagriculture or forestry uses, both principal and accessory, shall cover no more than twenty (20) percent of the total land area.
6. Lot Width:

For Lots approved as part of a Concept Plan and/or Preliminary Plat:

For Lots approved as part of a Maury County Subdivision Regulations Concept Plan and/or Preliminary Plat by the Maury County Regional Planning Commission the lot width shall be a minimum of **100-feet at the front building setback line.**

For Lots NOT approved as part of a Concept Plan and/or Preliminary Plat:

For Lots NOT approved as part of a Maury County Subdivision Regulations Concept Plan and/or Preliminary Plat by the Maury County Regional Planning Commission (MCRPC) the lot width shall be a minimum of **200-feet wide at the road right-of-way line.** The MCRPC, at its discretion, may grant a variance to this dimension should the MCRPC determine that satisfactory justification has been presented by the property owner.

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

## **5.042 -- A-2, Rural Residential District**

**a. District Description:** This district is intended to be utilized in areas where, due to remoteness, impermeability or shallowness of soils, the absence of the necessary urban services, or the continuation of farming or agricultural activities, development of a suburban density is undesirable or unfeasible. Although the A-2 District is primarily a rural district, it also provides for low-density residential development with lot sizes for single-family dwellings being less restrictive than those of the A-1, Agriculture-Forestry District. In addition, a primary objective of the A-2 District is to prevent undesirable urban sprawl and to exclude land uses which demand a level of urban services which are impossible or uneconomical to provide. The following regulations shall apply in the A-2, Rural Residential District, as defined on the Zoning Map of Maury County, Tennessee:

**b. Uses Permitted:** In the A-2, Rural Residential District, the following uses and their accessory uses are permitted:

1. Agricultural and forestry uses and their accessory structures as defined in ARTICLE II.
2. Detached single-family and duplex dwellings, and mobile homes.
3. Agricultural processing including cotton ginning and compressing, corn shelling, hay baling and threshing services.
4. Animal husbandry services including veterinarian services, animal hospital services and poultry hatchery services.
5. Forestry activities and related services.
6. Fisheries and related services.
7. Farm Winery.
8. Utility facilities necessary for the provision of services (pursuant to Section 4.130).
9. Recreational facilities.
10. Medical facilities, including doctors or dental offices.
11. Schools, libraries, and fire stations.
12. Family Day Care Home as an allowable "Customary Home Occupation."
13. Customary Home Occupation as regulated in ARTICLE IV, Section 4.040.

**c. Uses Permitted as Special Exceptions:** In the A-2, Rural Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VIII, Section 8.080.

1. Churches, Places of Worship or other places of assembly.
2. Riding stables and kennels.
3. Marinas.
4. Travel trailer parks.
5. Doctors and dental offices.
6. Schools, colleges, and libraries.
7. Neighborhood shopping facilities provided the total floor space devoted to retail sales does not exceed four thousand (4,000) square feet for each such establishment.
8. Recreational facilities other than those permitted.
9. Governmental buildings and community centers.
10. Cemeteries.

11. Communication services and communication equipment installation.

12. Group Day Care Home.

d. Uses Prohibited: In the A-2, Rural Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

e. Dimensional Regulations: All uses permitted in the A-2, Rural Residential District, shall comply with the following requirements.

1. Front Yard: The minimum depth of the front yard shall be forty (40) feet.

2. Rear Yard: The minimum depth of the rear yard shall be thirty (30) feet for the principal structure and fifteen (15) feet for any permitted accessory structures.

3. Side Yard: The side yards shall be a minimum of twenty (20) feet for a single-story structure. For each additional story over two, an extra additional five (5) feet is required. No accessory and/or detached building may be closer to the property line than the required twenty (20) ft. side setback.

4. Land Area:

Lots Not Served by Sanitary Sewer: No parcel of land in an A-2 District shall be reduced in area to provide separate lots or building sites of less than one (1) acre in area for each single family dwelling unit and/or duplex permitted on the lot.

Lots Served by Sanitary Sewer: The lot size may be reduced to 20,000 square feet when served by a sanitary sewer system. The density or number of lots permitted shall be based upon a lot yield of 1-lot per gross acreage of property to be subdivided.

5. Maximum Lot Coverage: Permitted nonagricultural uses, both principal and accessory, shall cover no more than thirty (30) percent of the total land area.

6. Lot Width:

For Lots approved as part of a Concept Plan and/or Preliminary Plat:

For Lots approved as part of a Maury County Subdivision Regulations Concept Plan and/or Preliminary Plat by the Maury County Regional Planning Commission the lot width shall be a minimum of **100-feet at the front building setback line.**

For Lots NOT approved as part of a Concept Plan and/or Preliminary Plat:

For Lots NOT approved as part of a Maury County Subdivision Regulations Concept Plan and/or Preliminary Plat by the Maury County Regional Planning Commission (MCRPC) the lot width shall be a minimum of **200-feet wide at the road right-of-way line.** The MCRPC, at its discretion, may grant a variance to this dimension should the MCRPC determine that satisfactory justification has been presented by the property owner.

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

8. Parking Space Requirements: As regulated in ARTICLE IV, Section 4.010.



### **5.043 -- A-2A, Rural Residential District**

**a. District Description:** This district is intended to be utilized in areas where, due to remoteness, impermeability or shallowness of soils, the absence of the necessary urban services, or the continuation of farming or agricultural activities, development of a suburban density is undesirable or unfeasible. Although the A-2A District is primarily a rural district, it also provides for low-density residential development with lot sizes for single-family dwellings being less restrictive than those of the A-1, Agriculture-Forestry District. In addition, a primary objective of the A-2A District is to prevent undesirable urban sprawl and to exclude land uses which demand a level of urban services which are impossible or uneconomical to provide. The following regulations shall apply in the A-2A, Rural Residential District, as defined on the Zoning Map of Maury County, Tennessee.

**b. Uses Permitted:** In the A-2A, Rural Residential District, the following uses and their accessory uses are permitted:

1. Agricultural and forestry uses and their accessory structures as defined in ARTICLE II.
2. Detached single-family dwellings and mobile homes.
3. Agricultural processing including cotton ginning and compressing, corn shelling, hay bailing and threshing services.
4. Animal husbandry services including veterinarian services, animal hospital services and poultry hatchery services.
5. Forestry activities and related services.
6. Fisheries and related services.
7. Farm Winery.
8. Utility facilities necessary for the provision of services (pursuant to Section 4.130).
9. Recreational facilities.
10. Medical facilities, including doctors or dental offices.
11. Schools, libraries, and fire stations.
12. Family Day Care Home as an allowable "Customary Home Occupation."
13. Customary Home Occupation as regulated in ARTICLE IV, Section 4.040.

**c. Uses Permitted as Special Exceptions:** In the A-2A, Rural Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VIII, Section 8.080.

1. Churches, Places of Worship or other places of assembly.
2. Riding stables and kennels.
3. Marinas.
4. Doctors and dental offices.
5. Schools, colleges, and libraries.
6. Recreational facilities other than those permitted.
7. Governmental buildings and community centers.
8. Cemeteries.
9. Communication services and communication equipment installation.
10. Group Day Care Home.

d. Uses Prohibited: In the A-2A, Rural Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

e. Dimensional Regulations: All uses permitted in the A-2A, Rural Residential District, shall comply with the following requirements.

1. Front Yard: The minimum depth of the front yard shall be forty (40) feet.
2. Rear Yard: The minimum depth of the rear yard shall be thirty (30) feet for the principal structure and fifteen (15) feet for any permitted accessory structures.
3. Side Yard: The side yards shall be a minimum of twenty (20) feet for a single-story structure. For each additional story over two, an extra additional five (5) feet is required. No accessory and/or detached building may be closer to the property line than the required twenty (20) ft. side setback.
4. Land Area: No parcel of land shall be reduced in area to provide separate lots or building sites of less than one (1) acre in area.
5. Maximum Lot Coverage: Permitted nonagricultural uses, both principal and accessory, shall cover no more than thirty (30) percent of the total land area.
6. Lot Width:  
For Lots approved as part of a Concept Plan and/or Preliminary Plat:  
For Lots approved as part of a Maury County Subdivision Regulations Concept Plan and/or Preliminary Plat by the Maury County Regional Planning Commission the lot width shall be a minimum of **100-feet at the front building setback line.**  
For Lots NOT approved as part of a Concept Plan and/or Preliminary Plat:  
For Lots NOT approved as part of a Maury County Subdivision Regulations Concept Plan and/or Preliminary Plat by the Maury County Regional Planning Commission (MCRPC) the lot width shall be a minimum of **200-feet wide at the road right-of-way line.** The MCRPC, at its discretion, may grant a variance to this dimension should the MCRPC determine that satisfactory justification has been presented by the property owner.
7. Height Requirements: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VII, Section 7.030.
8. Parking Space Requirements: As regulated in ARTICLE IV, Section 4.010.

**5.044 -- R-1, Suburban Residential District**

**a. District Description:** The R-1, Suburban Residential District, is intended to provide areas which are suitable for low-density single and two-family residential development. This district is particularly suitable for areas adjacent or near urban areas, where adequate urban services, specifically including water service adequate to provide fire protection is available. The following regulations shall apply in the R-1, Suburban Residential District, as defined on the Zoning Map of Maury County, Tennessee.

**b. Uses Permitted:** In the R-1, Suburban-Residential District, the following uses and their accessory uses are permitted:

1. Detached single-family dwellings.
2. Duplex dwellings.
3. Rooming and boarding houses.
4. Customary Home Occupations as regulated in ARTICLE IV, Section 4.040.
5. Farm Winery.

**c. Uses Permitted as Special Exceptions:** In the R-1, Suburban-Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VIII, Section 8.080.

1. Churches, Places of Worship and other places of assembly.
2. Cemeteries.
3. Educational institutions.
4. Recreational facilities.
5. Utility facilities necessary for the provisions of services.
6. Group Day Care Home.

**d. Uses Prohibited:** In the R-1, Suburban-Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

**e. Dimensional Regulations:** All uses permitted in the R-1, Suburban-Residential District shall comply with the following requirements.

1. Front Yard: The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard: The minimum depth of the rear yard shall be twenty-five (25) feet for the principal structure and fifteen (15) feet for any permitted accessory structure.
3. Side Yard: The side yard shall be a minimum of fifteen (15) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two (2).

4. <u>Land Area:</u>	<u>AREA REQUIRED</u>	
	<u>Single Family Dwelling</u>	<u>Duplex Dwelling</u>
Lots Not Served by Sanitary Sewer	43,560 Sq. Ft. /	Not Permitted
Lots Served by Sanitary Sewer	15,000 Sq. Ft. / 22,500 Sq. Ft.	

5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel or the buildable area of said lot as defined by the front, side, and rear yard setbacks, whichever is less.

6. Lot Width: No lot shall be less than 75-feet wide at the building setback line.

7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE IV, Section 4.010.

8. Parking Space Requirement: As regulated in ARTICLE IV, Section 4.010.

### **5.045 -- R-2, Urban Fringe Residential District**

**a. District Description:** The R-2, Urban Fringe Residential District, is designed to provide areas which are highly compatible with the residential development found along the fringes of the incorporated areas of Maury County. This district is particularly suitable for areas adjacent to urban centers, where a full complement of urban services, specifically including water service adequate to provide fire protection and wastewater service is available. The district is designed to accommodate a wide variety of housing types along with services and facilities required to adequately support such development. The following regulations shall apply in the R-2, Urban Fringe Residential District, as defined on the Zoning Map of Maury County, Tennessee.

**b. Uses Permitted:** In the R-2, Urban Fringe Residential District, the following uses and their accessory uses are permitted:

1. Detached single-family dwellings.
2. Duplex dwellings.
3. Apartment dwellings.\*
4. Rooming and boarding houses.
5. Town houses.\*
6. Customary Home Occupations as regulated in ARTICLE IV, Section 4.040.
7. Winery.

**c. Uses Permitted as Special Exceptions:** In the R-2, Urban Fringe Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VIII, Section 8.080.

1. Churches and other places of assembly.
2. Cemeteries.
3. Educational institutions.
4. Recreational facilities.
5. Utility facilities necessary for the provisions of services.
6. Government buildings and community centers.
7. Mobile home parks, subject to the provisions of ARTICLE IV, Section 4.100.
8. Group Day Care Home.

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\*NOTE: Subject to approval of a plan for group housing as required by ARTICLE IV, Section 4.080.

e. Uses Prohibited: In the R-2, Urban Fringe Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

f. Dimensional Regulations: All uses permitted in the R-2, Urban Fringe Residential District, shall comply with the following requirements except as provided in ARTICLE VII.

1. Front Yard: The minimum depth of the front yard shall be thirty (30) feet.

2. Rear Yard: The minimum depth of the rear yard shall be twenty-five (25) feet for the principal structure and fifteen (15) feet for any permitted accessory structure.

3. Side Yard: The side yard shall be a minimum fifteen (15) feet for one and two-story structures, plus five (5) additional feet of side yard for each additional story over two (2).

4. Land Area: No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than fifteen thousand (15,000) square feet in area, except where wastewater service is available, in which case the minimum lot area shall be ten thousand (10,000) square feet.

On lots or parcels of land where more than one dwelling unit is constructed, the following area requirement shall apply except as regulated in ARTICLE VI (Planned Unit Developments):

<u>Number of Dwelling Units</u>	<u>With Water and Sanitary Sewers</u>	<u>With Water But Without Wastewater*</u>
1	10,000 Sq. Ft.	43,560 Sq. Ft.
2	15,000 Sq. Ft.	Not Permitted
3	17,500 Sq. Ft.	Not Permitted
4	25,000 Sq. Ft.	Not Permitted
More Than 4	25,000 Sq. Ft. Plus 3,600 Sq. Ft. for Each Unit Over 4	Not Permitted

5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel or the buildable area of said lot as defined by the front, side, and rear yard setbacks, whichever is less.

6. Lot Width: No lot shall be less than 60-feet wide at the building setback line.

7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, Section 6.030.

8. Parking Space Requirement: As regulated in ARTICLE IV, Section 4.010.

## **5.050. Commercial District Regulations**

The following regulations shall apply in the commercial districts established in Section 5.010 of this Resolution.

### **5.051 -- C-1, Rural Center District**

- a. **District Description:** The C-1, Rural Center District, recognizes the need to provide for areas within Maury County where residents of the more isolated agricultural and rural residential districts and residents located beyond the limits of service of the municipalities can receive certain merchandising and services. In Maury County, several small rural centers exist, primarily to provide such convenience goods and services to residents of the surrounding areas. These centers serve a necessary economic function and the mixed land uses that characterize these centers are not particularly detrimental. This district is intended to be a flexible zone which is necessary in a rural center. The district is intended to avoid creation of numerous nonconforming uses and to allow for change and growth within these existing areas, but to prevent this mixture of land uses from spreading along major traffic routes or into the surrounding countryside. The following regulations shall apply in the C-1, Rural Center District, as defined on the Zoning Map of Maury County, Tennessee.
- b. **Uses Permitted:** In the C-1, Rural Center District, the following uses and their accessory uses are permitted:
1. Detached single-family and duplex dwellings, and mobile homes.
  2. Agriculturally oriented commercial or light industrial uses.
  3. Educational institutions.
  4. Utility facilities necessary for the provision of services.
  5. Churches, Places of Worship and other places of assembly.
  6. Governmental buildings and community centers.
  7. Medical facilities.
  8. Individual retail stores, professional service offices, commercial amusement establishments, and boarding houses.
  9. Service stations and automobile repair establishments, subject to the provisions of ARTICLE IV, Section 4.060.
  10. Warehouses or storage facilities, except those facilities for storing petroleum or other potentially hazardous materials.
  11. Customary home occupations as regulated in ARTICLE IV, Section 4.040.
  12. Farm Winery.
  14. Child Care Center.
  15. Group Day Care Home.
  16. Mini Storage Warehouse Facility.
  17. Restaurant

- c. Uses Permitted as Special Exceptions: In the C-1, Rural Center District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VIII, Section 8.080.
1. Livestock, sales or feeding yards.
  2. Apartment units subject to the density standards and other requirements established for such uses within the R-2, Urban Fringe Residential District.
  3. Travel trailer parks.
  4. Kennels or animal hospitals.
  5. Funeral parlors.
  6. Drive-in commercial establishments.
  7. Light industrial uses as specified in Section 5.061 for the Light Industrial District.
  8. Mobile home parks as regulated in ARTICLE IV, Section 4.100.
  9. Cemeteries.
- d. Uses Prohibited: In the C-1, Rural Center District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.
- e. Dimensional Regulations: All uses permitted in the C-1, Rural Center District, shall comply with the following requirements except as provided in ARTICLE VII.
1. Front Yard: The minimum depth of the front yard for (a) residential uses -- thirty (30) feet; (b) nonresidential uses -- thirty (30) feet.
  2. Rear Yard: The minimum depth of the rear yard for (a) residential uses -- twenty-five (25) feet; (b) nonresidential uses -- twenty (20) feet.
  3. Side Yard: The minimum width of the side yard for (a) residential uses -- twenty (20) feet for single-story structures, plus five (5) additional feet for each additional story; (b) nonresidential uses -- twenty (20) feet for single-story structures, plus ten (10) additional feet for each additional story.
  4. Land Area: The following land area will be required in the C-1, Rural Center District:
    - (i) Residential: No lot or parcel of land shall be reduced in size to provide separate lots, for single-family dwellings, of less than fifteen thousand (15,000) square feet where sewer is available. Where no sewer is available, residential lots shall be no less than thirty-thousand (30,000) square feet in area if the proposed sewage disposal system is approved by the Tennessee Department of Environment & Conservation.  
  
If the sewage disposal system cannot be accommodated on the proposed thirty-thousand (30,000) sq. ft. lot, then the lot shall be no less than one (1) acre in size.  
The minimum land area for two-family dwellings shall be the minimum area for a single-family dwelling, plus five thousand (5,000) square feet.
    - (ii) Commercial: No lot or parcel of land shall be reduced in size to produce separate lots, for commercial uses, of less than twenty thousand (20,000) square feet in area where sewer is available. Where no sewer is available, commercial lots shall be no less than thirty-thousand (30,000) square feet in area if the proposed sewage disposal system is approved by the Tennessee Department of Environment & Conservation.



If the sewage disposal system cannot be accommodated on the thirty-thousand (30,000) sq. ft. lot, then the lot shall be no less than one (1) acre in size.

(iii) A mixed residential/commercial use on an unsubdivided lot is allowable subject to ARTICLE VIII, Section 8.080.

5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, shall not exceed forty (40) percent of the total area of such lot or parcel.
6. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.
7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VII, Section 7.030.
8. Parking Space Requirements: As regulated in ARTICLE IV, Section 4.010.

## 5.052 -- C-2, General Commercial District

- a. District Description: The C-2, General Commercial District, is established to provide areas in which the principal use of land is devoted to general and highway commercial activities along the principal thoroughfares in Maury County. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Maury County and to provide for necessary off-street parking and loading. It is specifically intended that each building have the potential for occupancy by ten (10) or more persons shall be adequately protected from fire. This protection may be in the form of either internal protective systems, such as sprinklers, fire walls, etc., or water service adequate to meet fire flow requirements as established in the latest edition of the Guide for Determination of Required Fire Flow, published by the insurance services office. The following regulations shall apply in the C-2, General Commercial District, as defined on the Zoning Map of Maury County, Tennessee.
- b. Uses Permitted: In the C-2, General Commercial District, the following uses and their accessory uses are permitted:
1. Wholesale Trade:
    - (i) Motor vehicles and automobile equipment.
    - (ii) Drugs, chemicals and allied products; except as restricted by Subsection "d" (below).
    - (iii) Dry goods and apparel.
    - (iv) Groceries and related products.
    - (v) Farm products.
    - (vi) Electrical goods.
    - (vii) Hardware, plumbing, heating equipment, and supplies; except as restricted by Subsection "d" (below).
    - (viii) Machinery, equipment, and supplies; except as restricted by Subsection "d" (below).
  2. Retail Trade:
    - (i) Building materials, hardware, and farm equipment; except as restricted by Subsection "d" (below).
    - (ii) General merchandise.
    - (iii) Food -- except as restricted by Subsection "d" (below).
    - (iv) Automotive, marine craft, aircraft and accessories; except as restricted by Subsection "d" (below).
    - (v) Apparel and accessories.
    - (vi) Furniture, home furnishings, and equipment.
    - (vii) Eating and drinking; except as restricted by Subsection "d" (below).
    - (viii) Drug, antiques, books, sporting goods, garden supplies, jewelry, and ice.
  3. Hotels, motels, and tourist courts.
  4. Churches, Places of Worship and mortuaries.
  5. Professional services.
  6. Gasoline service stations subject to the provisions of ARTICLE IV, Section 4.060.
  7. Commercial recreation uses; except as restricted by Subsection "d" (below).
  8. Finance, insurance and real estate services.
  9. Personal services.

10. Business services.
11. Repair services; except as restricted by Subsection "d" (below).
12. Contract construction services; except as restricted by Subsection "d" (below).
13. Governmental services.
14. Educational services.
15. Transportation, communication and utility services except airports and solid waste disposal and as further restricted by Subsection "d" (below).
16. Child Care Center.
17. Mini Storage Warehouse Facility.
18. Restaurant
19. Craft Brewery
20. Farm Winery and Winery

c. Uses Permitted as Special Exceptions: In the C-2, General Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, Section 8.080.

1. Any business or service exclusive of any use or activity specifically prohibited in Subsection "d" (below); which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the district.
2. Commercial uses specifically permitted under Section 5.051b.
3. 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.

d. Uses Prohibited: In the C-2, General Commercial District, the specific uses and activities listed below, along with all other uses or their accessory uses not specifically permitted or permitted upon approval as a special exception by the Board of Appeals, are prohibited.

1. Sanitary dumps, landfills, or waste transfer points.
2. Above ground quarry or mining activities, except temporary activities on the site of construction projects.
3. Cement or asphalt plants or batch concrete plants, except temporary plants on the site of construction projects.
4. Chemical plants or refineries.
5. Junkyards or scrap yards.
6. Unenclosed tire storage.
7. Taverns or bars.
8. Adult bookstores, movie houses, and places of live entertainment.
9. Tanneries, slaughterhouses, or rendering factories.
10. Commercial livestock storage yards or auction barns or yards.
11. Acid manufacturing plants.
12. Unenclosed building materials sales yards.

13. Road or building contractor's equipment storage building or repair facilities, except temporary facilities on the site of construction project.
14. Arcades and video or mechanical game parlors.
15. Trailer rental and leasing activities.
16. Motor vehicle body repair facilities for vehicle undercoating, painting, tire recapping, engine rebuilding, motor vehicle dismantling.
17. Liquor, wine and beer stores.
18. Massage parlors.
19. Auction barns and auction yards.
20. Fireworks or souvenir stands.
21. Mechanical or passive amusement rides for profit.
22. Commercial animal parks or amusement parks.
23. Horse and dog racetracks, automobile racetracks, motorcycle or moped racetracks, midget bike parks and similar facilities.
24. Commercial parking lots or parking decks.
25. Any other commercial use not specifically permitted under Section 5.052 (b).

e. Dimensional Regulations: All uses in the C-2, General Commercial District, shall comply with the following requirements except as provided in ARTICLE VII.

1. Front Yard: The minimum depth of the front yard shall be fifty (50) feet.
2. Rear Yard: The minimum depth of the rear yard shall be fifteen (15) feet, except where vehicular access will be provided to the rear of the lot, in which case a minimum rear setback of thirty (30) feet shall be required.
3. Side Yard: The minimum side yard requirement shall be twenty (20) feet where vehicular access is available to the rear of the lot. Where no such access is available or desired, a side yard of fifteen (15) feet shall be permitted. On lots adjacent to an agricultural, rural residential, suburban residential, urban fringe residential or rural center district, all structures shall be so located as to comply with the side yard requirement of the adjacent district on the side adjoining said district. Commercial buildings may be built on a common lot line provided that there is mutual written consent of the owners of the buildings and land directly involved and the adjacent walls of the buildings have a fire resistant rating of two (2) hours.
4. Land Area: No minimum land area shall be required in the C-2, General Commercial District, where water and sanitary sewer service is available. Where only water is available, there shall be a minimum land area of ten thousand (10,000) square feet. Where no water or sewer service is available, there shall be a minimum land area of twenty thousand (20,000) square feet. The proposed sewage disposal must be approved by the Tennessee Department of Environment & Conservation for all lots without sewer service.

More than one (1) building may be permitted on a single lot in the case of a shopping center, provided that all applicable area and space requirements have been complied with and further provided that such buildings share a common fire resistant wall and that such development is approved as a planned unit development under the provisions of ARTICLE VI of this Resolution.

5. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the C-2, General Commercial District.
  6. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.
  7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, Section 6.030.
  8. Parking Space Requirement: As regulated in ARTICLE IV, Section 4.010.
- f. Special Design and Landscaping Provisions: Uses proposed for location within a C-2, General Commercial, District, shall be of such character and design as to facilitate orderly development within the county. To this end, the following measures intended to protect the surrounding uses along with the traffic carrying capacity of major streets, are adopted:
1. The location, size, intensity, and periods of operation of any proposed uses must be designed to minimize adverse effects upon occupants of proximate permitted uses.
  2. The proposed use must be in accord with the spirit and purpose of this section and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this section and principles of sound planning.
  3. The proposed use must be of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares, or the objectives of this section.
  4. The proposed use must be of such intensity and arranged on the site so as to reasonably forestall the development of adverse effects to neighboring uses resulting from noise, dust, dirt, glare, odor, or fumes.
  5. Detailed landscaping plans and landscaping maintenance plans are to be prepared for all new building permits issued in this Zoning District. The intent is for the landscaping plans to create buffer zones and screening for parking areas, front yards, side yards, and rear yards. The use of increased setbacks, protection of existing vegetative buffers & trees, fencing, walls, berms and new landscaping are techniques that may be used to provide the screening and buffers. The landscaping plans are subject to review, modification and acceptance by and at the discretion of the Maury County Regional Planning Commission.
  6. Accessory buildings, uses and structures, loading and unloading areas, and parking areas shall be placed to the rear of the principal use and buffered to minimize their visibility from the principal corridor route.

### 5.053 -- C-3, Special Commercial District

- a. District Description: This district is intended to provide areas for intense, unsightly or potentially noxious commercial operations which are, due to their nature, a probable detriment to other commercial operations and to the economic base of the county if not strictly controlled.
- b. Uses Permitted: Farm Winery.
- c. Uses Permitted as Special Exceptions: In the C-3, Special Commercial District, the following uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VIII, Section 8.080.
  - 1. Uses prohibited within C-2, General Commercial Districts.
  - 2. Brewery
  - 3. Distillery
- d. Uses Prohibited: Any use not specifically approved by the Board of Appeals in the manner specified in ARTICLE VIII, Section 8.080.
- e. Dimensional Regulations: All uses in the C-3, Special Commercial District, shall comply with the following requirements except as provided in ARTICLE VII. The Board of Zoning Appeals shall establish the Dimensional Requirements which may be more stringent than the following based upon the specific Special Exception Use requested. If the Board of Zoning Appeals does not specify specific Dimensional Requirements, then the following shall apply.
  - 1. Front Yard: The minimum front yard setback shall be **100-feet**.
  - 2. Rear Yard: The minimum rear yard setback shall be **50-feet**.
  - 3. Side Yard: The minimum side yard setback shall be **50-feet**.
  - 4. Land Area: The minimum land area shall be **2-acres**.
  - 5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, shall not exceed **50-percent** of the total area of such lot or parcel.
  - 6. Lot Width: No lot shall be less than **150-feet wide at the road right-of-way line**.
  - 7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, Section 6.030.
  - 8. Parking Space Requirement: As regulated in ARTICLE IV, Section 4.010.
- f. Special Design and Landscaping Provisions: Uses proposed for location within a C-3, Special Commercial District, shall be of such character and design as to facilitate orderly development within the county. To this end, the following measures intended to protect the surrounding uses along with the traffic carrying capacity of major streets, are adopted:
  - 1. The location, size, intensity, and periods of operation of any proposed uses must be designed to minimize adverse effects upon occupants of proximate permitted uses.
  - 2. The proposed use must be in accord with the spirit and purpose of this section and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this section and principles of sound planning.
  - 3. The proposed use must be of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares, or the objectives of this section.

4. The proposed use must be of such intensity and arranged on the site so as to reasonably forestall the development of adverse effects to neighboring uses resulting from noise, dust, dirt, glare, odor, or fumes.
5. Detailed landscaping plans and landscaping maintenance plans are to be prepared for all new building permits issued in this Zoning District. The intent is for the landscaping plans to create buffer zones and screening for parking areas, front yards, side yards, and rear yards. The use of increased setbacks, protection of existing vegetative buffers & trees, fencing, walls, berms and new landscaping are techniques that may be used to provide the screening and buffers. The landscaping plans are subject to review, modification and acceptance by and at the discretion of the Maury County Regional Planning Commission.

## **5.060. Industrial District Regulations**

The following regulations shall apply in the industrial districts established in Section 5.010 of this Resolution.

### **5.061 -- M-1, Light Industrial District**

- a. **District Description:** The M-1, Light Industrial District, is intended to provide for industrial and other uses intermediate between commercial, heavy industrial, or special industrial uses and lower intensity uses by permitting uses performing administrative, professional and technical services and nonintrusive manufacturing uses by creating a light industrial district. Developments located in landscaped business office or industrial park or campus or similarly well designed settings are envisaged which will minimize detrimental effects on the proximate lower intensity uses. To the extent possible, natural features, such as large trees, natural groves, water courses, and similar assets will be preserved to secure the attractiveness and value of property within and adjacent to these districts to promote community health and welfare.

Further, to restrict Light Industrial District uses to those industrial uses which are in the main compatible with the nearby properties in agricultural, residential or commercial use. And finally, to protect industrial land from encroachment by other land uses.

It is specifically intended that each building having the potential for occupancy by (10) or more persons shall be adequately protected from fire. This protection may be in the form of either internal protective systems, such as sprinklers, fire walls, etc., or water service adequate to meet fire flow requirements as established in the latest edition of the Guide for Determination of Required Fire Flow, published by the insurance services office.

Within M-1 Light Industrial Districts, the following regulations shall apply:

b. **Uses Permitted:**

1. Uses associated with the functions of education, research, design, technical training and experimental product development when conducted wholly within a completely enclosed building.
2. Professional offices, including medical offices and clinics and office buildings.
3. Data processing and computer centers, including service and maintenance of electronic data processing equipment.
4. Open space recreational uses such as golf courses and ball diamonds.
5. Visitor orientation centers.
6. 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.
7. Accessory uses or structures customarily incidental to any of the above permitted uses, such as services for employees or students and other persons, customarily associated with the permitted uses. Examples of such accessory uses are: coffee shops, restaurants, barber shops, tobacco shops and landscaped parking areas.
8. 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.



9. 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.
10. Animal hospitals
11. Electrical switching or transforming station.
12. Ice manufacture or cold storage.
13. Enclosed wholesale food market.
14. Child Care Center.
15. Communication services and communication equipment installation.
16. Brewery and Craft Brewery
17. Farm Winery and Winery

c. Uses Prohibited:

1. Uses not specifically permitted.

d. Dimensional Regulations:

1. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet.
2. Lot Width: Minimum lot width shall be fifty (50) feet.
3. Yards: The minimum front yard shall be thirty (30) feet.

On lots adjacent to a residential zone all buildings shall be located to conform to the yard requirements of the adjacent residential zone.

4. Building Area: The front yard shall be of landscaped surfaces, including grass, trees and shrubs, and at least fifteen (15) percent of the site, inclusive of front, side and rear yards, shall also be landscaped surfaces. All off-street parking, loading and unloading requirements shall apply.
5. Landscaping: Detailed landscaping plans and landscaping maintenance plans are to be prepared for all new building permits issued in this Zoning District. The intent is for the landscaping plans to create buffer zones and screening for parking areas, front yards, side yards, and rear yards. The use of increased setbacks, protection of existing vegetative buffers & trees, fencing, walls, berms and new landscaping are techniques that may be used to provide the screening and buffers. The landscaping plans are subject to review, modification and acceptance by and at the discretion of the Maury County Regional Planning Commission.
6. Height: Buildings hereafter constructed shall not exceed three (3) habitable stories; provided, however, that industrial buildings shall not be limited to three (3) habitable stories for those portions of the building not designated to be habitable.
7. Location of Accessory Structures: Accessory structures shall be located at least ten (10) feet from all lot lines and from any building on the same lot.

## **5.062 -- M-2, Heavy Industrial District**

- a. District Description: The M-2, Heavy Industrial District, is intended to accommodate industrial uses which are less compatible with non-industrial uses than are the uses permitted in M-1 Districts. However, extensive landscaping or land left in its natural state should be respected in the siting of M-2 uses to minimize detrimental effects on the proximate lower intensity uses and to secure the attractiveness and value of property within and adjacent to these districts and to procure community health and welfare.

It is specifically intended that each building having the potential for occupancy by ten (10) or more persons shall be adequately protected from fire. This protection may be in the form of either internal protective systems, such as sprinklers, fire walls, etc., or water service adequate to fire flow requirements as established in the latest edition of the Guide for Determination of Required Fire Flow, published by the insurance services office.

b. Uses Permitted:

1. Manufacturing and assembly uses relating to the manufacture 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.
2. Manufacturing and processing industries generally with the exception of those specifically or by implication otherwise classified in Section 5.063.
3. Commercial, educational, research, and recreational facilities operated as an accessory use and auxiliary to the principal activity.
4. Brewery and Craft Brewery
5. Distillery
6. Farm Winery and Winery

c. Uses Permitted as Special Exceptions:

1. Industrial uses specifically permitted under Section 5.061b.
2. Communication services and communication equipment installation.

d. Uses Prohibited:

1. Residential uses, commercial uses (except as specifically allowed in Subsection 5.062,b,3 (above) and uses permitted on appeal in M-3 Special Industrial Districts.

e. Dimensional Regulations:

1. Lot Area, Lot Width, Yards and Building Area: No restrictions.
2. Height: Buildings hereafter constructed shall not exceed three (3) habitable stories; provided, however, that industrial buildings shall not be limited to three (3) habitable stories for those portions of the building not designated to be habitable.
3. Location of Accessory Structures: No restrictions unless defined elsewhere in this Resolution.

4. Landscaping: Detailed landscaping plans and landscaping maintenance plans are to be prepared for all new building permits issued in this Zoning District. The intent is for the landscaping plans to create buffer zones and screening for parking areas, front yards, side yards, and rear yards. The use of increased setbacks, protection of existing vegetative buffers & trees, fencing, walls, berms and new landscaping are techniques that may be used to provide the screening and buffers. The landscaping plans are subject to review, modification and acceptance by and at the discretion of the Maury County Regional Planning Commission.

### 5.063 -- M-3, Special Industrial District

- a. District Description: The M-3, Special Industrial District, is intended to provide suitable areas for intense or potentially noxious industrial operations, including open land operations. Secondly, to protect these industrial lands from encroachment by other uses.

It is specifically intended that each building having the potential for occupancy by ten (10) or more persons shall be adequately protected from fire. This protection may be in the form of either internal protective systems, such as sprinklers, fire walls, etc., or water service adequate to fire flow requirements as established in the latest edition of the Guide for Determination of Required Fire Flow, published by the insurance services office.

- b. Uses Permitted: Farm Winery.
- c. Uses Permitted as Special Exceptions: In the M-3, Special Industrial District, the following uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VIII, Section 8.080:
1. 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.
  2. Automobile wrecking, automotive junkyards, junkyards and salvage yards.
  3. Sanitary landfill operations, subject to the approval of the Tennessee Department of Environment & Conservation, Division of Solid Waste Management, and the Maury County Commission.
  4. Communication services and communication equipment installation.
- d. Uses Prohibited: Residential uses, commercial uses, and light and heavy industrial uses.

e. Dimensional Regulations:

All uses in the M-3, Special Industrial District, shall comply with the following requirements except as provided in ARTICLE VII. The Board of Zoning Appeals shall establish the Dimensional Requirements which may be more stringent than the following based upon the specific Special Exception Use requested. If the Board of Zoning Appeals does not specify specific Dimensional Requirements, then the following shall apply

1. Front Yard: The minimum front yard setback shall be **200-feet**.
2. Rear Yard: The minimum rear yard setback shall be **50-feet**.
3. Side Yard: The minimum side yard setback shall be **50-feet**.
4. Land Area: The minimum land area shall be **5-acres**. The proposed sewage disposal must be approved by the Tennessee Department of Environment & Conservation for all lots without sewer service.
5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, shall not exceed **50-percent** of the total area of such lot or parcel.
6. Lot Width: No lot shall be less than **150-feet wide at the road right-of-way line**.
7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, Section 6.030.
8. Parking Space Requirement: As regulated in ARTICLE IV, Section 4.010.

f. Special Design and Landscaping Provisions: Uses proposed for location within a M-3, Special Industrial District, shall be of such character and design as to facilitate orderly development within the county. To this end, the following measures intended to protect the surrounding uses along with the traffic carrying capacity of major streets, are adopted:

1. The location, size, intensity, and periods of operation of any proposed uses must be designed to minimize adverse effects upon occupants of proximate permitted uses.
2. The proposed use must be in accord with the spirit and purpose of this section and not be inconsistent with, or contrary to, the objectives sought to be accomplished by this section and principles of sound planning.
3. The proposed use must be of such character that the vehicular traffic generated will not have an adverse effect, or be detrimental, to the surrounding land uses or the adjacent thoroughfares, or the objectives of this section.
4. The proposed use must be of such intensity and arranged on the site so as to reasonably forestall the development of adverse effects to neighboring uses resulting from noise, dust, dirt, glare, odor, or fumes.
5. Detailed landscaping plans and landscaping maintenance plans are to be prepared for all new building permits issued in this Zoning District. The intent is for the landscaping plans to create buffer zones and screening for parking areas, front yards, side yards, and rear yards. The use of increased setbacks, protection of existing vegetative buffers & trees, fencing, walls, berms and new landscaping are techniques that may be used to provide the screening and buffers. The landscaping plans are subject to review, modification and acceptance by and at the discretion of the Maury County Regional Planning Commission.

**5.070. Special District Regulations**

The following regulations shall apply within the special districts established in Section 5.010 of this Resolution.

**5.071. Floodplain District**

**5.071.1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**A. Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Maury County, Tennessee, Mayor and Board of County Commissioners, do resolve as follows:

**B. Findings of Fact**

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

**C. Statement of Purpose**

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

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**D. Objectives**

The objectives of this Resolution are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a flood prone area;
8. To maintain eligibility for participation in the NFIP.

**5.071.2 DEFINITIONS**

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

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

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

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

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

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

**"Area of Special Flood Hazard"** see **"Special Flood Hazard Area"**.

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

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

**"Building"** see **"Structure"**.

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

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

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

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

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



**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

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

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

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

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

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

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

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

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

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

**"Flood Insurance Study"** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

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

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

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

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

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

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

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

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

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

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

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the Maury County, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By the approved Tennessee program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior.

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

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

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

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

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

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

**"New Construction"** means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Resolution and includes any subsequent improvements to such structure.

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

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

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

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

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

**"Recreational Vehicle"** means a vehicle which is:

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

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

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

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

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

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation,

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

**"State Coordinating Agency"** the Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

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

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

**"Variance"** is a grant of relief from the requirements of this Resolution.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the

elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

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

### **5.071.3. GENERAL PROVISIONS**

#### **A. Application**

This Resolution shall apply to all areas within the unincorporated area of Maury County, Tennessee.

#### **B. Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the Maury County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated April 16, 2007 and Flood Insurance Rate Map (FIRM), Community 470123, Panel Numbers 47119C0005E, 47119C0005E, 47119C0010E, 47119C0015E, 47119C0020E, 47119C0040E, 47119C0045E, 47119C0065E, 47119C0070E, 47119C0090E, 47119C0125E, 47119C0130E, 47119C0135E, 47119C0140E, 47119C0145E, 47119C0155E, 47119C0160E, 47119C0165E, 47119C0170E, 47119C0180E, 47119C0185E, 47119C0190E, 47119C0205E, 47119C0250, 47119C0255E, 47119C0260E, 47119C0265E, 47119C0270E, 47119C0280E, 47119C0285E, 47119C0290E, 47119C0295E, 47119C0310E, 47119C0315E, 47119C0320E, 47119C0380E, 47119C0405E, 47119C0410E, 47119C0410E, 47119C0430E, and 47119C0435E, dated April 16, 2007 and 47119CIND0B, 47119C0215F, 47119C0350F dated May 4, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

#### **C. Requirement for Development Permit**

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

#### **D. Compliance**

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

#### **E. Abrogation and Greater Restrictions**

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

#### **F. Interpretation**

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

#### **G. Warning and Disclaimer of Liability**

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

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

#### **H. Penalties for Violation**

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this resolution or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Maury County, Tennessee from taking such other lawful actions to prevent or remedy any violation.



**5.071.4. ADMINISTRATION**

**A. Designation of Resolution Administrator**

The Building Commissioner is hereby appointed as the Administrator to implement the provisions of this Resolution.

**B. Permit Procedures**

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.

b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.

c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct

supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

### **C. Duties and Responsibilities of the Administrator**

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.

10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Maury County, Tennessee FIRM meet the requirements of this Resolution.
11. Maintain all records pertaining to the provisions of this Resolution in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

#### **5.071.5. PROVISIONS FOR FLOOD HAZARD REDUCTION**

##### **A. General Standards**

In all areas of special flood hazard, the following provisions are required:

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

11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

**B. Specific Standards**

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

1. Residential Structures

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

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

2. Non-Residential Structures

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

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

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

### 3. Enclosures

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

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

### 4. Standards for Manufactured Homes and Recreational Vehicles

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

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
  - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - 1) Be on the site for fewer than 180 consecutive days;
  - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
  - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

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

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

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

order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

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

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

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

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

**E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)**

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within Maury County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this



Resolution and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.

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

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

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

**H. Standards for Unmapped Streams**

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

**5.071.6. VARIANCE PROCEDURES**

**A. Regional Board of Zoning Appeals**

1. Authority

The Maury County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2. Procedure

Meetings of the Regional Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Regional Board of Zoning Appeals shall be open to the public. The Regional Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Regional Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Regional Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Regional Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$250 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Regional Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Regional Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Regional Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

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

**B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

**5.071.7. LEGAL STATUS PROVISIONS**

**A. Conflict with Other Resolutions**

In case of conflict between this Resolution's Section 5.071 Floodplain District or any part thereof, and the whole or part of any existing or future Resolution of Maury County, Tennessee, the most restrictive shall in all cases apply.

**B. Severability**

If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.

**C. Effective Date**

This Resolution's Section 5.071 Floodplain District shall become effective immediately after its passage, by Maury County Tennessee, the public welfare demanding it. The Effective Date being February 21, 2016 the date of publication regarding the Maury County Legislative Body's approval of County Commission Resolution No. 02-16-28 – County Flood Damage Prevention Resolution.

## ARTICLE VI - PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT DISTRICT

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### **6.010. General Provisions**

The purposes of these planned unit development district regulations are as follows:

- A. To promote flexibility in design and permit planned diversification in the location of structures.
- B. To promote the efficient use of land in order to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
- C. To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion.
- D. To encourage the total planning of tracts of land consistent with pertinent long-range plans.

### **6.011 -- Consistency With the General Plan**

No planned unit development shall be approved unless all plans for development are found to be consistent with the current issue of the adopted development plan for the area in which the development is proposed. The Planning Commission shall make a formal written finding regarding the consistency of any proposed planned unit development, said report to include findings that the development:

- a. Will be consistent with the currently effective development plan for the area.
- b. Is likely to be compatible with the development permitted under the general provisions of the Zoning Resolution.
- c. Will not significantly interfere with the use and enjoyment of other land in the vicinity.

### **6.012 -- Master Plan of Planned Unit Development**

No application for Planned Unit Development (PUD) zoning shall be considered unless a master plan of the development, meeting requirements set forth in Section 6.021 of this ARTICLE, is submitted therewith.

### **6.013 -- Relation of PUD Regulations to General Zoning, Subdivision, or Other Regulations; Variations on Equal or Purposes**

The planned unit development regulations that follow shall apply generally to the initiation and regulation of all Planned Unit Development Districts. Where there are conflicts between the special PUD regulations herein and general zoning, subdivision, or other regulations or requirements, these regulations shall apply in PUD districts unless the County Commission shall find, in the particular case, that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.

Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable PUD or general regulations, but the County Commission makes a finding in the particular case that purposes are satisfied to an equivalent or greater degree, the Commission may make specific modification of the regulations in the particular case, provided that where density and bulk ratios (other than off-street parking) have been established by these regulations, the Commission shall not act in a particular case to modify such provisions.

Except as indicated above, notwithstanding procedures and requirements set forth herein and in guidelines and standards officially adopted as part of regulations for particular classes of PUD districts shall apply in PUD districts, to any amendments creating such districts, and to issuance of all required permits therein.

#### **6.014 -- Combination of Separate Types of Planned Unit Development**

The Planning Commission and the County Commission may consider separate types of planned unit developments (such as residential and commercial PUD) within a consolidated master plan as a single administrative procedure, provided the total tract is under the unified control of a landholder and the land area is sufficient to comply with the separate requirements combined. This provision in no way alters any requirements in this ARTICLE.

#### **6.015 -- Staging of Development**

The Planning Commission may elect to permit the staging of development, in which case, the following provisions shall be complied with:

**a.** In a Residential Planned Unit Development, the ratio of gross floor area of commercial activity to residential activity in the plan as initially approved or amended shall not be exceeded at any given stage of construction.

**b.** Each stage shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed with subsequent stages will not have an adverse impact on the planned unit development or its surroundings.

**c.** The commencement of actual construction of any stage of the planned unit development shall be governed by the provisions of Section 6.025 of this ARTICLE.

**d.** In the instance of a combined planned unit development, the Planning Commission may permit commercial and industrial uses to be constructed first, but only if it finds -- and records its finding on the final development plan -- that the nonresidential uses are consistent with current development plans even if no residential construction takes place.

#### **6.016 -- Development Control and Division of Land**

No tract of land may receive final approval as a planned unit development unless such tract is under the unified control of a landholder as defined by this Resolution. Unless otherwise provided as a condition of approval of a planned unit development, the landholder of an approved planned unit development may divide and transfer parts of such development. The transferee shall complete each such unit, and shall use and maintain it in strict conformance with the adopted final master development plan.

A report identifying all property owners within the area of the proposed district and giving evidence of unified control of its entire area, shall be submitted along with any application for approval of a preliminary development plan. The report shall state agreement of all present property owners and/or their successors in title:

**a.** To proceed with the proposed development according to the regulations in effect when the map amendment creating PUD district is passed, with such modifications as are set by the County Commission the course of such action.

**b.** To provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the County Commission for completion of such development according to approved plans; and, for continuing operation and maintenance of such areas, facilities, and services as are not to be provided, operated, or maintained at general public expense; and such dedications, contributions, or guarantees as are required for provision of needed facilities and services.

**c.** To bind further successors in title to any commitments under "a" or "b" (above).

## **6.017 -- Common Open Space**

Any common open space established by an adopted final master development plan for a planned unit development shall be subject to the following:

### **a. Quality Use and Improvement of Common Open Space**

1. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the planned unit development considering its size, density, expected population, topography and other factors.

2. No common open space may be put to any use not specified in the approved final development plan, unless such plan has been amended under the provisions of Section 6.028 below. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

3. Common open space may, subject to approval by the Planning Commission and County Commission, consist of either improved or unimproved land. In this regard, the approving agency may determine that all or part of stream areas, bodies of water, and slopes in excess of fifteen (15%) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the planned unit development and the degree to which these areas contribute to the qualify, livability, and amenity of the planned unit.

### **b. Conveyance of Common Open Space**

All land shown on the final development plan as common open space must be conveyed under one of the following options:

1. It may be conveyed to an agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

2. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization meeting, the requirements of Subsection "c" (below) for the maintenance of the planned development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

### **c. Requirement for Maintenance Organization**

In any instance where common open space is to be conveyed to an organization other than a public agency, the Planning Commission and the County Commission shall require that the landholder provide for and establish an organization for the ownership and maintenance of any common open space. Such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the County and the said dedication be approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted development plan.

### **d. Mandatory Provisions Governing Organization and Operation of Maintenance Association**

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned unit development plan. The provisions shall include, but not be limited to, the following:

1. The maintenance organization must be established and operational before any homes are sold.



2. Membership must be mandatory for each home buyer and must run with the land so that any successive purchaser will automatically become a member.

3. The restrictions covering the use, etc., of the open space must be permanent, not just for a period of years.

4. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.

5. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.

6. The association must be able to adjust the assessment of fees to meet changing needs.

e. Failure of Maintenance Organization

In the event that the organization established to own and maintain common open space, or any successor organization shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order or condition in accordance with the adopted final development plan, the Building Commissioner may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a hearing. After thirty (30) days the Building Commissioner shall call upon any agency to maintain the common open space for a period of one (1) year. When the Building Commissioner determines that the organization is not prepared for the maintenance of the common open space, such agency shall continue maintenance for yearly periods. The cost of such maintenance shall be assessed proportionately against the properties within the planned unit development that have a right to enjoyment of the common open space, and shall become a lien on said properties.

f. Assurances Involving the Provision of Common Open Space

The Planning Commission may require adequate assurance, in a form and manner which it approves, that the common open space shown on the final development plan will be provided and developed. The following methods of assurance are illustrative of the types of assurances which may be provided and used singly, in combination or in conjunction with other similar methods:

1. The County may accept a bond, corporate surety, or other acceptable financial guarantee in an amount sufficient to purchase the common open space shown on the final development plan or alternative acreage which is equivalent in size and character.

2. The title to the land shown as common open space may be put in escrow, the escrow agreement to provide that the land is to be held in escrow until the Planning Commission has certified to the escrow agent that the planned development has been completed, at which time the common open space is to be conveyed as provided in Subsection 6.017, b, (above). The escrow agreement may provide for the release of common open space by the escrow agent in stages. In such instance, the Planning Commission is to certify the completion of each stage of the planned development to the escrow agent and the escrow agreement must provide that the open space may be conveyed in stages. In this event, the open space which is conveyed is to be of the same proportions to the open space provided on the final development plan as the dwelling units that have been built are to be total number of dwelling units which are allowable by the final development plan.

3. In conjunction with paragraph (1) of this subsection, if any planned unit development which includes common open space is held by the developer on option, the developer shall assign to the County the right to exercise the option to acquire the common open space.

4. In general, the construction and provision of all common open spaces and recreational facilities which are shown on the final development plan must proceed at no slower rate than the construction of dwelling units. From time to time the Planning Commission shall

compare the actual development with the development schedule. If the Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and recreational facilities have been constructed and provided, then the Planning Commission may either cease to approve any additional final plats or instruct the Building Commissioner to discontinue issuance of building permits.

**6.018 -- Dedication of Facilities**

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

**6.019 -- Waiver of Board of Appeals Action**

No action of the Board of Appeals shall be required in the approval of a planned unit development including those activities which would otherwise require special exceptions under other articles of this Resolution provided that such activities comply with the applicable criteria stipulated in appropriate sections of this Resolution as determined by the Planning Commission and the County Commission as a part of their development plan review and action.

**6.020. Administrative Procedure Governing Planned Unit Developments**

- A. Purpose and Intent: The purpose of these provisions is to prescribe a procedure for the review, approval and continued administration of all planned unit developments provided for by this ARTICLE.
- B. Preapplication Conference: Prior to the filing of the application, the applicant shall confer with the Building Commissioner and the Planner advising the Planning Commission to determine whether the applicant is proceeding under the proper section of this Resolution, to consider the desirability or necessity of amending the master plan or petition, to clarify the issues, and to discuss any other matter as may aid in the disposition of the project.

**6.021 -- Preliminary Approval of the Proposed Planned Unit Development**

a. Application for Preliminary Approval: Application for preliminary approval shall be made by the landholder of the affected property or his authorized agent to the Building Commissioner in accordance with such written general rules regarding procedure, form of application, and required information as the Planning Commission may determine. The application for preliminary approval shall include such written statements and documents, and site plans, drawings, etc., as are required below.

b. Content of Preliminary Development Plan: The preliminary development plan shall contain the following:

- 1. Plan drawings sufficient to disclose:
  - (i) The location and size of the area involved.
  - (ii) Transportation routes including streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas.
  - (iii) Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units.
  - (iv) Estimated population and density and extent of activities to be allocated to parts of the project.
  - (v) Reservations for uses such as school loading zones, parks, and other open spaces.
  - (vi) Other major landscaping features.

- (vii) The general means of the disposition of sanitary wastes and storm water.
- 2. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- 3. The nature of the landholder's interest in the land proposed to be developed and a written statement of concurrence from all parties having a beneficial interest in the affected property.
- 4. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for utilities.
- 5. A stage development schedule, setting forth when the landholder intends to commence construction and a completion period.
- 6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

If the application is deemed incomplete by the Building Commissioner, a written request shall be made within thirty (30) days after the original submittal for further information. In such a case, the application shall be held in abeyance by the Building Commissioner until deemed complete for preliminary review.

c. Review by other Departments of County Government: Other departments and agencies of the County shall review the proposed planned unit development as appropriate.

d. Planning Commission Action on Preliminary Application for Planned Unit Development: Within forty-five (45) days after initial submission to the Planning Commission, the Commission shall take action on the preliminary application by any one of the following:

- unconditional preliminary approval;
- conditional preliminary approval in which the Planning Commission expressly denotes modifications which must be a part of the preliminary approval; and,
- disapproval.

1. Conditional Preliminary Approval - Landholder's Response: When the Planning Commission's action is conditional preliminary approval, the Commission shall transmit in writing by registered mail, the conditions or modifications which must be complied with in order that the proposed planned unit development receive preliminary approval. Within sixty (60) days of the transmittal of the required modifications, the landholder may make a written response concurring with the required modifications, in which case the planned unit development is deemed to have preliminary Planning Commission approval, at the date of the receipt by the Planning Commission or said written concurrence. When the landholder makes a negative reply or no reply is received within sixty (60) days of the date of conditional preliminary approval, the planned unit development shall be deemed disapproved by the Planning Commission, unless such time limit is extended by a specific action of the Planning Commission upon a written request of the landholder.

2. Disapproval - Written Report: Should a preliminary application of a planned unit development be disapproved by the Planning Commission, the Commission shall submit in writing the reason for its action to the landholder within thirty (30) days after action of the Commission.

3. Action by County Commission: Upon completion of preliminary development plan review, the Planning Commission shall forward its report and recommendations to the County Commission for action. Upon receipt of the Planning Commission's report, the County Commission shall consider such report and recommendations, the preliminary development plan, and such other information as it may require. The County Commission shall hold such required hearings and otherwise proceed in the manner set forth in ARTICLE VIII for consideration of an amendment of the Zoning Resolution.

In any instance where the County Commission may act to approve a proposed development which the Planning Commission had recommended for disapproval, the County Commission shall provide specific guidance as to:

- (i) overall design of the plan;
- (ii) any modifications required; and,
- (iii) any additional information which may be required by the Planning Commission in order for it to determine substantial compliance between the preliminary and final development plan.

4. Planned Unit Development and the Official Zoning Map: Upon approval by the County Commission, the Building Commissioner shall place the extent of the planned unit development on the official zoning map identified by the resolution number providing approval. Similarly, in the instance of action by the Planning Commission under Subsection f., 1. (below), abolishing or canceling the planned unit development, the Building Commissioner shall remove the PUD District from the official zoning map.

#### **6.022 -- Final Approval of the Proposed Planned Unit**

The approval by the County Commission of the preliminary development plan of the planned unit development shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval by the Planning Commission of the planned unit development shall be subject to the procedures and requirements of this section.

a. Application for Approval -- Revocation: Within one (1) year of the preliminary approval of a planned unit development, the landholder may make application to the Planning Commission for approval of a final development plan. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission resolution of preliminary approval. Copies of legal documents required by the Commission for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall be submitted in final form.

In the event the applicant fails to apply for final approval or in the event the Planning Commission finds that conditions in support of the granting of preliminary approval have so changed as to raise reasonable questions regarding the landholder's ability to pursue the plan, the Planning Commission may recommend revocation of the zoning approval for the plan. Should the Planning Commission recommend withdrawal of approval of the plan, a report of this action shall be sent immediately to the County Commission, along with a recommendation that action be taken to remove the planned unit development district from the zoning map.

b. Final Approval Stages: The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large planned unit development in compliance with Section 6.015 (above).

c. Final Master Development Plan of a Planned Unit Development: The application for final approval shall be sufficiently detailed to indicate the ultimate operation and appearance of the development or portion thereof and shall include, but not be limited to, the following:

- 1. Final development plan drawings at a scale no smaller than 1" = 200' indicating:
  - (i) The anticipated finished topography of the area involved (contours at vertical intervals of not more than five (5) feet).

(ii) A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned unit development and to and from existing thoroughfares. This shall specifically include: width of proposed streets; a plan of any sidewalks or proposed pedestrian ways; and any special engineering features and traffic regulation devices needed to facilitate or insure the safety of circulation pattern.

(iii) An off-street parking and loading plan indicating ground coverage of parking areas.

(iv) Areas proposed to be conveyed, dedicated or reserved for parks, parkways, and other open space uses including any improvements which are to be deeded as part of any common use area.

(v) Information regarding the physical characteristics of the surrounding area and developments within three hundred (300) feet of the proposed planned development.

(vi) A plot plan for each building site and common open area, showing the approximate locations of all buildings, structures, and improvements and indicating the open spaces around buildings and structures.

(vii) A plan for proposed utilities including sewers (both sanitary and storm), gas lines, waterlines, fire hydrants and electric lines showing proposed connections to existing utility systems.

2. A plan showing the use, height, bulk, and location of all buildings and other structures. Any drawings used to meet this requirement need not be the result of final architectural decisions and need not be in detail.

3. A generalized land use map and a tabulation of land area to be devoted to various uses and activities.

4. A tabulation of proposed densities to be allocated to various parts of the area to be developed.

5. A plan which indicates the location, function, and ownership of all open spaces, excepting those open spaces included in fee simple lots.

6. Final drafts of all proposed covenants and grants of easement (particularly those pertaining to common open space.)

If the application is deemed incomplete by the Building Commissioner, a written request shall be made within ten (10) days after the original submittal for further information. In such cases, the application shall be held in abeyance until deemed complete for final review by the Building Commissioner. No plan shall be formally presented for Planning Commission action until such plan is complete and ready for review.

d. Action on Final Plan: In reviewing a final plan, the function of the reviewing agencies is twofold. First, the plan must be found to be in substantial compliance with the previously approved preliminary development plan. Secondly, all new information must be reviewed to determine its quality and compliance with all substantive requirements of this Resolution.

1. Review Procedure:

(i) Application for final approval shall be made by the Planning Commission.

(ii) The completed final plan must be submitted to the Building Commissioner ten (10) days prior to the meeting of the Commission at which the plan is to be presented. Ten (10) copies of the plan and related documents will be required.

(iii) Within thirty (30) days subsequent to the formal presentation of the final plan to the Planning Commission, it shall be the duty of the Building Commissioner to present data and findings of the various departments and agencies of the government concerning the proposed plan to the Planning Commission.

- (iv) In the course of its consideration and prior to any final approval, the Planning Commission shall give notice and provide each of the following an opportunity to be heard:
  - Any person who is on record as having appeared at the formal hearing on the preliminary development plan.
  - Any other person who has indicated to the Planning Commission in writing that he wished to be notified.
- (v) The Planning Commission may approve the final plan if it finds:
  - That the final plan meets the provisions for substantial compliance with the preliminary plan set forth in Section 6.023 of this ARTICLE.
  - That the plan complies with all other standards for review which were not considered when the preliminary plan was approved.

2. Approval with Modification: Should the Planning Commission require any modification in the final development plan or any portion thereof, including covenants, etc., such modifications shall be agreed to by the applicant in writing prior to formal acceptance and filing of the final development plan.

The Planning Commission shall transmit in writing by registered mail the conditions or modifications which must be complied with in order that the proposed planned unit development receive final approval.

Within sixty (60) days of the transmittal of the required modifications, the landholder may make a written response concurring with the required modifications, in which case the planned unit development is deemed to have final Planning Commission approval, at the date of the receipt by the Planning Commission of said written concurrence. Where the landholder makes a negative reply within sixty (60) days of the date of conditional final approval, the planned unit development shall be deemed disapproved, unless such time limit is extended by a specific action of the Planning Commission upon written request of the landholder.

3. Filing of an Approved Final Development Plan: Upon formal action by the Planning Commission approving a final development plan, or in the instance of conditional final approval upon acceptance of the modifications as set forth in Subsection 2 (above), said plan and all maps, covenants, and other portions thereof, shall be filed with the following agencies:

- (i) the County Commission;
- (ii) the County Engineer;
- (iii) the Building Commissioner.

4. Disapproval: If the Planning Commission finds that the final plan does not meet the test for substantial compliance with other standards of review, it shall disapprove the plan. In the event of disapproval, a written report shall be prepared by the Planning Commission and sent to the applicant. This report shall detail the grounds on which the final plan was denied to specifically include ways in which the final plan violated the substantial compliance provisions or other standards for review.

### **6.023 -- Determination of Substantial Compliance**

The final development plan shall be deemed in substantial compliance with the preliminary development plan provided modifications by the applicant do not involve changes which in aggregate:

- a. Violate any provisions of this chapter.
- b. Vary the lot area requirement as submitted in the preliminary plan by more than ten (10) percent.
- c. Involve a reduction of more than five (5) percent of the area shown on the preliminary plan by more than ten (10) percent.

- d. Increase the floor area proposed in the preliminary development plan for non-residential use by more than five (5) percent.
- e. Increase the total ground area covered by buildings by more than two (2) percent.

**6.024 -- Expiration/Vesting of Planned Unit Development**

The vesting period for development standards as to approved development plans shall be as outlined in TCA 13-3-413 and as amended.

**6.025 -- Enforcement of the Development Schedule**

The construction and provision of all common open spaces and recreational facilities which are shown on the final development plan must proceed at no slower rate than the construction of dwelling units. From time to time the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and recreational facilities have been constructed and provided, then the Planning Commission may take either or both of the following actions:

- a. Cease to approve any additional final plats.
- b. Instruct the Building Commissioner to discontinue issuance of building permits.

In any instance where the above actions are taken, the Planning Commission shall gain assurance that the relationship between the construction of dwellings or other structures of a commercial or industrial nature and the provision of common open spaces and recreational facilities is brought into adequate balance prior to the continuance of construction.

**6.026 -- Building Permits and Certificates of Zoning Compliance**

Building permits and certificates of zoning compliance shall be issued for uses, buildings, or other structures in planned unit developments in accordance with this ARTICLE.

a. Building Permit: A building permit may be issued for structures, buildings, activities, or uses as part of a finally adopted planned unit development only in strict compliance with the final development plan of the particular planned unit development as adopted including the conditions of approval and only after the administrative procedure outlined in this section has been strictly adhered to. No building permit shall be issued for the area included in a preliminary planned unit development until a final development plan has been adopted.

b. Certificate of Occupancy: A certificate of occupancy shall be issued only when the Building Commissioner determines that the structure, building, activity, or use as a part of a planned unit development conforms with the particular adopted final development plan, including the conditions of its approval, or approves any modification under the provision of Section 6.027 (below).

**6.027 -- Minor Changes to an Adopted Final Planned Unit Development Plan**

a. Minor Modifications Permitted During Construction: The Building Commissioner may approve minor modifications in the location, siting, and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the final development plan was approved so long as no modification violates the basic policy and concept of the planned unit development as presented in the preliminary development plan nor bulk and open space regulations. The total of such modifications approved by the Building Commissioner shall never in aggregate result in:

1. An increase in the residential density.
2. An increase of more than three (3) percent in the floor area proposed for nonresidential use in a commercial or industrial nature.
3. An increase of more than three (3) percent in the total ground area covered by buildings.

4. A reduction of more than two (2) percent in the area set aside for common open space.

Minor modifications in the location of streets and underground utilities may be approved under this section.

**b. Subjects not Included for Modification:** The proposed addition of any use not approved in the final development plan, as well as any increase in the number of dwelling units permitted, building height, decreases in the parking requirements, and vision clearance area, are not subjects for adjustments by the Building Commissioner. Any proposed modifications of any of the above may be made only as amendments to the adopted final development plan.

**c. Minimum Adjustments Only:** The modification must be held to the minimum necessary. The Building Commissioner must find that each of the following conditions apply to the adjustment.

1. Practical Difficulties or Unnecessary Hardship: That strict application of the provisions of this Resolution would result in practical difficulties or unnecessary hardship.

2. Extraordinary Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings or uses referred to in the application, which circumstances or conditions do not apply generally to other land, buildings or uses in the same district.

3. Not Detrimental: That granting the application will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood of the premises.

4. Health or Safety not Adversely Affected: That granting the application under the circumstances of the particular case will not adversely affect the health or safety of persons working or residing in the neighborhood containing the property of the applicant.

5. Maintains Intent of Resolution and the Development Plan: That such adjustment is within the intent and purpose of the Resolution and will not adversely affect the community objectives of the comprehensive plan.

#### **6.028 -- Amendments in an Approved Final Development Plan During the Period of Initial Construction**

During the period of actual development or construction of any planned unit development (or when developed in stages), or any portion of the total development, the provisions of this section shall apply to all proposed modifications which exceed the minor adjustments permitted by Section 6.027 (above). Once a certificate of completion has been issued, thereby signaling completion of the initial development of any planned unit development or portion thereof, any further changes or alterations shall be governed by the provisions of Section 6.029 (below).

All proposed additions or uses not approved in the final planned unit development plan as well as any decreases in the number of parking spaces or vision clearance area shall be subject to these provisions. In addition, all minor modifications which exceed the cumulative changes in the ground coverage ratio, etc., permitted under Section 6.027 shall be governed by the provisions of this section.

**a. Addition of Uses not Authorized in the Approved Development Plan but Allowable Within the Planned Development District:** The proposed addition of any use not authorized within an approved final development plan, but allowable within the planned development district, may be added to the plan only when approved as provided herein.

The Planning Commission shall hear all such proposed amendments. In the course of its consideration of any alteration presented hereunder, the Planning Commission shall hold a hearing for all residents and other parties who, in the judgment of the Planning Commission, have an interest in the amendment. Said hearing is held for the purpose of determining whether or not the proposed addition so alters the approved plan as to change the basic policy and concept of that plan.

If the Planning Commission determines that the proposed amendment alters the plan, its action shall be in the form of a submission to the County Commission for concurrence and the Planning Commission may adopt an amendment to the final plan only with an amended preliminary plan as a basis



for such action. A report detailing the action recommended by the Planning Commission shall accompany the submission to the County Commission. If the Planning Commission determines that the proposed amendment is a minor modification consistent with the preliminary plan, it may take final action on the amendment.

**b. Addition of Residential Density, Floor Area of Nonresidential Uses and all Other Changes Other Than Changes in Use, not Authorized in the Approved Development Plan but Allowable Within the Planned Development District:** All proposed additions other than the additions of uses governed by Subsection "a" (above), including the addition of residential density or nonresidential use area which exceed the minor changes permitted under Section 6.027 and were not authorized in the approved development plan but are allowable within the planned development district, shall be considered as provided herein.

All amendments to an approved development plan proposed under this section shall first be presented to the Planning Commission for a recommendation. In the course of its consideration of any amendment proposed hereunder, the Planning Commission may hold a hearing for all residents and parties who, in the judgment of the Planning Commission, have an interest in the amendment.

The Planning Commission shall hear the proposed amendment and shall forward its recommendation to the County Commission for action. The County Commission shall hold a hearing for all residents and other interested parties prior to any final action on any amendment proposed hereunder. Should the County Commission concur in the proposed amendment to the final development plan, the Planning Commission may adopt said amendment only with an amended preliminary plan as a basis for such action.

**c. Proposed Changes in a Development Plan Which are not Allowable Within the Planned Development District:** All other changes in the adopted final development plan exceeding those limits established for the planned development district must be made by the County Commission under the procedures authorized by this Resolution for amendment. However, prior to any action by the County Commission on a proposed amendment, the Planning Commission shall study the proposed amendment and shall prepare a report which will detail its recommendation on the proposed alteration and the reasons therefore. This report shall be submitted to the County Commission prior to any final action on the proposed amendment.

**6.029 -- Control of Planned Unit Development Following Completion**

**a. Issuance of Certificate of Completion:** Upon completion of a planned unit development, or when developed in stages of any portion of said development, the Planning Commission shall issue a certificate certifying this fact, and the Building Commissioner shall note the issuance of the certificate on the recorded final development plan.

**b. Changes in the Use of Land or Bulk of Structures Within a Planned Development After Completion:** After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the planned development, will be governed by the approved final development plan except upon application to the appropriate agency under the procedures provided below:

**1.** Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Board of Zoning Appeals if the extensions, alterations or modifications are consistent with the purposes and intent of the recorded final development plan. No change authorized by this section may increase the cube of any building or structure by more than ten (10) percent.

**2.** Any uses not authorized by the approved final development plan, but allowable in the base zoning district within which the planned development is located as a permitted use or as a conditional use, may be added to the recorded final development plan under the procedures provided by this Resolution for the approval of conditional uses.

3. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved as set forth below.

4. Changes in the use of common open space may be authorized by an amendment to the final development plan provided that no amendment approved hereunder may act to abrogate or annul any covenant which provides for the use, operation, or continuance of the common open space.

5. All other changes in the final development plan must be made by the County Commission under the procedures authorized by this Resolution for amendment of the zoning map. No changes may be made in the final development plan unless such changes are required for the continued successful functioning of the planned development or unless such are required by changes in conditions that have occurred since the final plan was adopted or by changes in the development policy of the community.

6. No changes in the final development plan which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within the area of the planned development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

c. Resubdivision of a Planned Unit Development After Completion: A planned development may be subdivided and resubdivided for purposes of sale or lease after the certificate of completion has been issued under the procedures set forth below:

1. If the subdivision or resubdivision of a planned development will create a new plot line, the applicant shall make application to the Planning Commission for the approval of a subdivision or resubdivision. The Planning Commission may approve the subdivision or resubdivision if each section of the subdivided planned development meets the provisions of this article governing density, common open space, and dimensional requirements.

2. All sections of a subdivided or resubdivided planned development are to be controlled by the final development plan rather than by the provisions of the Zoning Resolution that otherwise would be applicable. The provisions of Subsection c.1. (above) governing changes in the final development plan will apply.

3. The owners or lessees of a subdivided or resubdivided planned development may jointly make application for special exception or for an amendment to the adopted final development plan.

### **6.030. Residential Planned Unit Development**

#### **A. Purposes and Intent of Residential Unit Development Districts**

These districts are designed to accomplish the following:

1. To encourage variety, flexibility and innovation in land development and land use for basically residential areas which is consistent with the overall goals and objectives of the long-range general plan.
2. To encourage a mixture of housing types.
3. To provide a harmonious blending with the surrounding development, minimizing such negative influences as land use conflicts, heavy traffic congestion and excessive demands on existing or proposed facilities.
4. To provide for increased safety, amenity and livability through improved design.
5. To provide open space.
6. To provide for the best use of the site consistent with the goals of protecting and enhancing the natural environment.

#### **B. General Standards Governing Project Approval**

The Planning Commission shall consider the proposed planned unit development from the point of view of the standards and purposes of the regulations governing the residential planned unit development so as to achieve a maximum of coordination between the proposed development and the surrounding uses, the conservation of woodland and the protection of water courses from erosion and siltation, and a maximum of safety, convenience and amenity for the residents of the development. To these ends, the Planning Commission shall consider the location of buildings, parking areas and other features such as streams and trees, the efficiency, adequacy, and location of green area provided, the adequacy, location, and screening of the parking areas, and such other matters as the Planning Commission may find to have a material bearing upon the stated standards and objectives of these regulations.

### **6.031 -- Activities Permitted Within a Residential Planned Unit Development**

Any use or activity permitted by right or by special exception within any residential district may be permitted within a residential planned unit development to the extent that such activities are approved within a master planned unit development plan. Any use not approved within a master planned unit development plan or subsequent amendment thereto is prohibited.

### **6.032 -- Minimum Size of Residential Planned Unit Development Districts**

The residential planned unit development may not contain less than the minimum area as stipulated unless the Planning Commission and County Commission find that a tract containing less than this minimum is suitable as a planned unit development by virtue of its historical character, unique scenic qualities, ecological or topographical features. Whenever a residential planned unit development is proposed to be located within two (2) or more zoning districts with different required minimum areas, the largest required minimum area shall control.

<u>Base Zoning District</u>	<u>Gross Area for Formation of District</u>
A-1	20 Acres
A-2	10 Acres
A-2A	10 Acres
R-1	5 Acres
R-2	2 Acres

**6.033 -- Density Permitted**

The density permitted within a planned unit development is to be derived from that permitted within the base zoning district which the residential PUD District is to overlay. The maximum number of dwelling units permitted shall be calculated as follows:

- a. From the gross residentially zoned site shall be subtracted:
  - 1. All land to be utilized as street right-of-way.
  - 2. Any portion of the site lying within a floodway.
- b. The remaining net development area is then multiplied by the appropriate factor for the base district which the residential PUD overlays.

<u>Base District</u>	<u>Dwelling Units Per Net Acre</u>	
	<u>Unsewered</u>	<u>Sewered</u>
A-1	Not Permitted	0.5
A-2	Not Permitted	1.0
A-2A	Not Permitted	1.0
R-1	Not Permitted	4.0
R-2	Not Permitted	12.0

Any fractions of 0.5 or greater will be rounded to the next whole number.

- c. In any instance of a site located within two (2) or more zoning districts, the density permitted within each district shall be separately calculated for the portion of the site lying within each district. No transfer of density may be permitted among base zoning districts.

**6.034 -- Open Space Requirements**

Within any development approved under the provisions of this section, open space shall be provided which is adequate to:

- Buffer both internal and external activities from objectionable or conflicting characteristics associated with such uses.
- Assure adequate space, light and air along with visual and acoustical privacy.
- Assure reasonable protection of surrounding uses from possible negative effects resulting from a greater or more intense use which may be permitted within any planned unit development district.
- Assure adequate protection from fire and adequate spacing of buildings as required by Section 6.035 (below).

a. Ownership of Open Space

Any open space located within a residential planned unit development shall be under the direct and continuing control of:

1. An individual.
2. A maintenance association created to hold and maintain such property.

**b. Use of Open Space**

All open space shown on a development plan of any residential planned unit development shall be indicated as to its intended use. In this regard, such property shall be designated as:

1. Shared general use area.
2. Shared limited use area.
3. Use area.

**c. Size and Location of Shared Limited Use Areas**

Shared limited use areas shall generally be provided as required herein for all dwellings located within any residential planned unit development. Such areas shall be designed so as to assure privacy and control of access by and for the exclusive use of the intended residents. In any instance where an alternative to this provision is recommended, the Planning Commission shall make a specific finding (and enter its finding into its recommendation to the County Commission) that an equal or greater measure of controlled use outdoor living area is to be provided.

**1. One to Four Family Dwellings - Including All Attached Dwellings:** Each dwelling unit shall, on its own lot, have one (1) yard containing not less than seven hundred and fifty (750) square feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off-street parking or for accessory buildings.

**2. Multi-Family Dwellings:** Each multi-family complex shall be provided with shared limited use area of at least seven hundred and fifty (750) square feet in area per dwelling unit. Such open area may provide for a variety of activities but must be for the sole use and enjoyment of the residents of that building or complex only.

**d. Special Yards Along Perimeters**

In addition to the provisions set forth above, for units located along the periphery of the site, the basic yard provisions established for the district within which the development is located shall apply along all portions of such lots as may abut the periphery, excepting any portion of such lots as may involve the use of party walls.

**6.035 -- Building Spacing**

The minimum distance between any two (2) buildings, any one of which has legally required windows facing the other (referred to as building "A" and building "B"), shall vary according to the length and height of such buildings.

Such minimum distance shall be either fifteen (15) feet or the distance required under the following formula, whichever is the greater distance:

$$S = \frac{La + Lb + 2(Ha - Hb)}{6}$$

where:

“S” = required minimum horizontal distance between any wall of building "A", at any given level, or the vertical prolongation of either.

“La ”= total length of building "A".

The total length of building "A" is the length of portion(s) of wall(s) of building "A" from which, when viewed directly from above, lines drawn perpendicular or radial from building "A" will intersect any wall of building "B".

“Lb” = total length of building "B".

The total length of building "B" is the length of portion(s) of wall(s) of building "B" from which, when viewed directly from above, lines drawn perpendicular or radial from building "B" will intersect any wall of building "A".

“Ha” = height of building "A".

The height of building "A" at any given level is the height above natural grade level of any portion(s) of wall(s) along the total length of building "A".

“Hb” = height of building "B".

The height of building "B" at any given level is the height above natural grade level of any portion(s) of wall(s) along the total length of building "B".

For the purposes of this section, natural grade level shall be the main level of the ground immediately adjoining the portion(s) of the wall(s) along the total length of the building.

If "La + Lb" is equal to zero, the formula set forth above shall not apply, and the minimum distance shall be fifteen (15) feet.

Where legally required windows are not involved, the minimum building spacing shall be fifteen (15) feet.

### **6.036 -- Lot Coverage, Access and Setback Requirements**

- A. Lot Coverage: Individual dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregate site coverage of all dwellings, attached or otherwise, exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two (2) or more zoning districts, the coverage ratio applicable to each zoning district shall apply to those dwellings located within it. No transfer of bulk is permitted among zoning districts.
- B. Access: Every dwelling shall be located on a lot adjacent to a street, or with access to a street approved for said lot. All structures shall be so located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.
- C. Setback Requirements: For all buildings located within the internal portion of the site, setbacks are to be established by the Planning Commission in its review of the development proposal. Any building located along the periphery of the site shall be setback so as to ensure that lots located along a street with a more conventional lot pattern are compatible with the established pattern.

### **6.037 -- Pedestrian Circulation**

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian and vehicular movements. This may include, where deemed necessary by the Planning Commission, pedestrian underpasses and overpasses in the vicinity of schools, playgrounds, local shopping areas and other neighborhood uses which generate a considerable amount of pedestrian traffic.

### **6.038 -- Height Restrictions**

In general, the height restrictions applicable within the base zoning district(s) underlying any planned unit development shall apply to all uses permitted within the PUD district. However, the Planning Commission may act to restrict height in any instance where visual privacy of adjoining property may be threatened as a result of height variation along the periphery of the PUD district.

## **6.040. Commercial Planned Unit Developments**

### **6.041 -- Intent**

These districts are designed to accomplish the following:

- A. To encourage the clustering of commercial activities within areas specifically designed to accommodate the activities and to discourage the proliferation of commercial uses along major thoroughfare and noncommercial areas.
- B. To provide for the orderly development of commercial activities so that any adverse impact on surrounding uses and on the general flow of traffic can be ameliorated.
- C. To encourage an orderly and systematic development design providing for rational placement of activities, parking and auto circulation, pedestrian circulation, ingress and egress, loading, landscaping, and buffer strips.
- D. To encourage commercial development which is consistent with the long-range general plan for the County.

This section shall only be used for commercial planned unit developments upon a determination by the Planning Commission that the proposed development is in harmony with the purpose and intent as stipulated herein.

### **6.042 -- Types of Commercial Planned Unit Developments**

Two (2) basic types of commercial planned unit developments are as follows:

#### **A. Commercial Planned Unit Development-General**

Commercial planned unit development-general is intended to provide a framework for a moderately wide range of activities and shopping centers including office parks, regional shopping centers, community shopping centers, special purpose shopping centers, but excluding commercial planned unit development-convenience.

#### **B. Market Analysis for Commercial Planned Unit Development**

The Planning Commission may require a market analysis for any proposed commercial planned unit development. The market analysis will be utilized, among other things, to determine the impact of the proposed development on the long-range development of the commercial land use in the Maury County area, to determine the timing of any proposed development, to limit the extent of planned unit development, to limit the extent of the planned unit development-convenience serving a particular residential area, to ascertain the effects of a proposed development upon land zoned for commercial purposes, to form a basis for evaluating the estimated effects on traffic, and other purposes which assist in an understanding of the interest pertinent in the evaluation of a proposed development. The market analysis, if required, shall be provided by the landholder, and, shall provide any other economic data or analysis as may be reasonably requested by the Planning Commission or County Commission.

#### **C. Regulation of Access to Planned Unit Development**

The commercial planned unit development-general shall be limited to locations which have direct access to arterial and collector streets as located on the adopted Major Thoroughfare Plan - Maury County, Tennessee. The limitation shall not apply to commercial planned unit development-convenience.

**D. Minimum Required Site**

1. Commercial planned unit development convenience: as required to meet other provisions of this section.
2. Commercial planned unit development-general: five (5) acres.

**6.043 -- Activities Permitted Within Commercial Planned Unit Development Districts**

The activities indicated below may be permitted within the district indicated subject to approval of each specific use within the overall plan of development for the district. Any use not approved within a master planned unit development plan or subsequent amendment thereto is prohibited.

**a. Commercial Planned Unit Development-General**

Any use or activity permitted by right or by special exception within any commercial district may be permitted within a commercial planned unit development-general to the extent such activities are approved within a master planned unit development plan.

**b. Commercial Planned Unit Development-Convenience**

Only convenience retail shopping and personal services as further restricted by Section 6.049 (below) shall be permitted within CPUD-Convenience Districts.

**6.044 -- Bulk Regulations for Commercial Planned Unit Development**

The intensity and building height requirements for commercial planned unit developments shall be as follows:

**a. Floor Area Ratio, Commercial Planned Unit Development**

The maximum floor area ratio (FAR) shall be calculated so as not to include minimum space for required off-street parking within a building on the site of the planned unit development. Any parking provided above such required minimum space within such a building shall be included in calculating the floor area ratio. The maximum floor area ratio for the various types of commercial planned unit development shall be:

	<u>TYPE OF COMMERCIAL PUD</u>	
	<u>General</u>	<u>Convenience</u>
Floor Area Ratio	1.00	35

**b. Building Height**

1. The height limitation within a commercial planned unit development-convenience is twenty-five (25) feet.
2. The height limitation for structures within a commercial planned unit development-general is sixty-five (65) feet.\*



**6.045 -- Open Space Requirements**

The following open space requirements shall be applied to the various types of commercial planned unit developments.

**a. Provisions Applicable to Commercial Planned Unit Development-Convenience**

**1. Minimum Yard Requirements**

A front yard twenty (20) feet in depth shall be provided and where the lot adjoins a street on more than one side, a yard twenty (20) feet in depth shall be provided adjacent to all streets. Side yards shall be ten (10) feet in width adjacent to residential lots but where the side of the lot is adjacent to a lot on which another convenience establishment is located, or is being constructed, or is definitely to be constructed, no side yard need be provided if the structures involved are to have a common or party wall, or are to have no space between walls of adjacent structures housing convenience establishments or their accessory uses, such space shall be at least ten (10) feet in width. Rear yards shall be twenty-five (25) feet in depth.

**2. Landscaping Requirements; Buffering; Control of Appearance**

As minimum requirements: except for drives and walkways, any yard adjacent to a street shall be landscaped and maintained in a manner appropriate to a residential neighborhood for a distance of ten (10) feet from the lot line adjacent to the street, except for portions which adjoin lots in residential use, which shall be so landscaped and maintained for the full width or depth of the required yards within twenty-five (25) feet of adjoining lot lines. Side yards adjacent to lots in residential use shall be similarly landscaped and maintained for their full required minimum width. No such required landscaped area shall be used for off-street parking or loading. No landscaping adjacent to a street shall be of a nature which impairs visibility of or from pedestrians. Where the site plan indicates adverse effects of parking or other characteristics of a use on the lot on which the convenience facilities are to be located, a wall, fence, or appropriate vegetative screening shall be required to be erected and maintained in such manner as to eliminate such effects or reduce them to an acceptable level. Such buffering shall, at a minimum, prevent lights from automobiles parked or maneuvering incidental to parking from shining across adjacent residential property below a height of five (5) feet at the residential windows if there is to be parking on the premises after dark.

**\*NOTE:** All structures exceeding thirty-five (35) feet in height shall be approved by the agency responsible for fire protection and the Building Commissioner.

**b. Provisions Applicable to Commercial Planned Development-General**

**1. Minimum Open Space Requirements**

Commercial planned unit development-general shall have the following minimum width of open space from the site boundary to the nearest building line within the planned unit development.

<u>Location of Open Space</u>	<u>(Width in Lineal Ft.)</u>
(i) Side of buildings where vehicular access and/or egress is from a street and where vehicles stand or park in open space.	60
(ii) Side and rear abutting residential district with no intervening street.	60
(iii) Front and all other side and rear locations.	15

## 2. Screening

To assist in the prevention of the transmission of light and noise from within a commercial planned unit development into any abutting residential district, screening shall be required where a commercial planned unit development-general abuts or is contiguous to any residential district, without an intervening street but with or without an intervening alley or other way, there shall be provided within the commercial planned unit development, but not within a street or alley, continuous screening along the extent of the contiguity of the said districts. Such screening shall be of opaque or translucent materials resistant to deterioration by natural causes, or it shall be of such plant materials as will provide a year-round evergreen screening. Screening, as provided herein, shall be not less than six (6) feet in height, shall be provided from the grade of the property upward, and shall be permanently maintained.

### **6.046 -- Provisions Governing Off-Street Parking and Loading**

#### **A. Approval of Vehicular Circulation Plan**

The portions of the plan relating to location and design of ingress and egress traffic control, arrangement of off-street parking and loading facilities, and internal circulation shall be referred to the County Engineer for study, and no commercial planned unit development shall be approved by the Planning Commission without the County Engineer's written approval of the plan as submitted, or, if his approval is conditional, the inclusion of the conditions in the approval by the Planning Commission. Additional conditions and safeguards on such matters may be included by the Planning Commission or County Commission.

#### **B. General Provisions**

The number of parking and loading spaces provided, the design of parking areas and the surfacing of those areas shall be in accordance with the provisions of the base zoning district which the commercial PUD overlays. Where practicable, off-street parking facilities for groups of commercial establishments shall be combined, but the total number of spaces required in such combination shall equal the sum of the numbers required for each of the individual establishments or uses. Spaces for the patrons or employees of individual establishments need not be marked as reserved, but the site plan shall show spaces as related to uses in such a way that it can be determined at any time that individual responsibility for provision of space has been met and maintained.

#### **C. Landscaping Within Parking Areas**

For the first twenty thousand (20,000) square feet of contiguous paved parking area, a permanently maintained landscaped area of a minimum of one thousand (1,000) square feet shall be provided. For all area above twenty thousand (20,000) square feet, six (6) percent of the contiguous paved area shall be maintained in landscaped area.

#### **D. Lighting of Parking Areas**

Parking areas and pedestrian ways on the premises shall be lighted to an intensity of at least 0.6 foot candle. No such lighting shall be directed in a manner which illuminates adjoining residential premises and no source of incandescent or mercury vapor illumination shall be directly visible from any residential property.

**E. Vehicular Access Locations**

Vehicular access locations shall be provided so that vehicles entering or departing a commercial planned unit development site shall do so only at such locations.

Elsewhere, along the property lines of said commercial planned unit development, a physical separation between the said site and rights-of-way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular turning movements and traffic congestion. No vehicular access location serving a commercial planned unit development site shall be within one hundred (100) feet of the intersection of street right-of-way lines, bounding, in part, the same commercial planned unit development site.

**6.047 -- Provisions Governing Use and Operation of Signs**

**A. Permitted Signs**

**1. Within Commercial Planned Unit Development-General**

The provisions established for the base zoning district for uses permitted within commercial districts shall apply within commercial planned unit development-general.

**2. Within Planned Unit Development-Convenience**

No signs intended to be read from off the premises shall be permitted in connection with convenience establishments except as generally permitted in the district for residential uses and, in addition, one sign, not exceeding ten (10) square feet in area, mounted flat against the side of the building, for each face of the building exposed to a street. Where more than one convenience establishment is located in the same building, signs in accordance with the above formula may be permitted for each. No such sign shall extend or be mounted above or beyond the wall of the building.

**B. Sign Illumination**

**1. Provisions for Commercial Planned Unit Development-General**

Within a commercial planned unit development-general no illuminated sign shall have an exposed bulb greater than fifteen (15) watts. Luminous background signs shall not exceed two hundred (200) foot lamberts and indirect illuminated signs shall not exceed seventy-five (75) foot candles of surface illumination.

**2. Provisions for Commercial Planned Unit Development-Convenience**

Within a commercial planned unit development-convenience no illuminated sign shall have an exposed bulb greater than ten (10) watts. Luminous background signs shall not exceed one hundred-fifty (150) foot lamberts and indirect illuminated signs shall not exceed fifty (50) foot candles of surface illumination.

No illumination of any kind shall exceed one (1) candlepower at or beyond the boundary of such development and shall not flash or blink or appear to flash or blink, or shall be animated.

**6.048 -- Miscellaneous Provisions Applicable to Commercial Planned Unit Development-Convenience**

**A. Distance to Alternate Facilities or Locations**

No such convenience establishment shall be permitted closer than one thousand (1,000) feet to the boundary of any district where similar facilities are generally permitted, nor shall any new establishment of a specific kind be located within one thousand (1,000) feet of the active establishment of the same nature found suitable for supplying the same needs for the general area involved, provided, however, that medical and dental offices may include groups or combinations of physicians and dentists. Measurement of distances indicated shall be along usual routes of pedestrian travel.

**B. Grouping of Convenience Establishments**

Strong preference shall be given to locating complementary additions in the immediate vicinity of existing convenience establishments of other types in patterns which facilitate easy pedestrian circulation from the surrounding area and from one establishment to another, and to arrangements which encourage joint uses of parking areas and automobile entrances and exits. In a case where a proposed location is suitable for later addition of other permitted convenience facilities, an isolated food service or general personal service activity may be permitted. Separate medical service activities (other than professional offices conducted as accessory uses in residences of such physicians and dentists) shall also be so located unless substantial advantage can be demonstrated for other locations.

**C. Maximum Size of Establishments**

In the environment in which convenience establishments are intended to be permitted, it is the intent of this section that no such establishment or group of establishments shall be of such size or character as to create the impression of general commercial development. Therefore, in addition to other limitations designed to achieve these ends, no individual convenience establishment shall have a gross floor area exceeding five thousand (5,000) square feet.

**D. Hours of Operation**

Except for emergency activities at the offices of physicians and dentists, no convenience establishment shall be open for business between the hours of 11:00 p.m. and 6:00 a.m.

**E. Conduct of Operations**

All sales, service, or display in connection with convenience establishments shall be within completely enclosed buildings, and there shall be no display, service, or storage outside such buildings. No address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any line of the lot on which the building is situated.

**F. Exterior Storage**

Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in the rear of the commercial operation only and shall not be located in any required yard. Such facilities shall be totally screened using similar exterior materials from which the outside walls of the principal building are constructed and shall be maintained in a clean and orderly manner.

**6.050. Industrial Planned Unit Development**

**6.051 -- Intent**

These districts are designed to accomplish the following:

- A. To provide sufficient opportunity and flexibility for manufacturing activities to take place at feasible locations without an adverse impact upon surrounding non-manufacturing areas.
- B. To permit a broad group of manufacturing activities under controlled conditions.
- C. To encourage the application of sound planning and design principles in the orderly development of manufacturing activities.
- D. To provide for the integration of manufacturing activities into large scale developments which incorporate residential and commercial as well as industrial activities.
- E. To maximize manufacturing potentialities within the community without adversely affecting its living environment.

**6.052 -- Location and Site of Industrial Planned Unit Development**

The location and required area of PUD Districts shall be as follows:

**A. Location**

An industrial planned unit development may be developed independently or as part of a combined planned unit development as set forth in Section 6.014 of this ARTICLE provided:

- 1. The location, composition and extent of any proposed industrial planned unit development is consistent with the adopted long-range general plan.
- 2. The site of the proposed development possesses manufacturing locational attributes such as proximity and immediate access to major thoroughfares, rail service, adequate utilities and fire protection.
- 3. The proposed development of the site will not have an adverse impact on the surrounding area, such as the generation of high volumes of traffic or truck traffic through future or existing residential areas.

**B. Minimum Required Area**

The required minimum area within an industrial planned unit development district shall be as follows:

- 1. For an IPUD, location within or contiguous to an existing industrial district -- ten (10) acres.
- 2. For an IPUD located within any area which is not within or contiguous to an existing industrial district -- fifteen (15) acres.

**6.053 -- Activities Permitted Within an Industrial Planned Unit Development**

Any use or activity permitted by right or by special exception within any industrial district may be permitted within an industrial planned unit development to the extent that such activities are approved within a master development plan. Any use not approved within a master development plan or subsequent amendment thereto is prohibited.

**6.054 -- Bulk Regulations for Industrial Planned Unit Development**

The following building, site and yard requirements shall be applied in industrial planned unit developments.

**A. Floor Area Ratio**

The maximum floor area ratio for an industrial planned unit development shall be as follows:

1. For the IPUD located within or contiguous to an existing industrial district: FAR = 2.00.
2. For an IPUD located within any area not within or contiguous to an existing industrial district: FAR = .75.

**B. Building Height Limitation**

The maximum height of buildings or structures within an IPUD shall be as follows:

1. For an IPUD located within or contiguous to an existing industrial district -- sixty-five (65) feet.\*
2. For an IPUD located within any area which is not within or contiguous to an existing industrial district -- thirty-five (35) feet.

**C. Minimum Building Site Area Requirements**

No establishment shall be located on a site unless the site contains the following minimum area:

1. For an IPUD located within or contiguous to an existing industrial district ten -- (10) acres.
2. For an IPUD located within any area which is not within or contiguous to an existing industrial district -- twenty (20) acres.

**\*NOTE:** All structures exceeding thirty-five (35) feet in height are subject to specific approval by the agency responsible for fire protection and the Building Commissioner.

**D. Minimum Open Space, Setback and Boundary Requirements**

Within the industrial planned unit development district, the following open space, setback and boundary requirements shall apply:

**1. Open Space Requirements**

The ratio of all open space to floor area shall not be less than the following minimums:

- (i) For an IPUD located within or contiguous to an existing industrial zone -- one-half (1/2) square foot of open space per square foot of gross floor area.
- (ii) For an IPUD located within any area which is not within or contiguous to an existing industrial district -- two (2) square feet of open space per square foot of gross floor area.

**2. Setback Requirements**

The distance from any structure to any street shall not be less than the following minimums:

- (i) For an IPUD located within or contiguous to an existing industrial zone -- fifty (50) feet.
- (ii) For an IPUD located within any area which is not within or contiguous to an existing industrial district -- seventy-five (75) feet.

**3. Boundary Requirements**

No building, other structure, off-street parking, or loading area located within an industrial planned unit development shall be closer than seventy-five (75) feet to the boundary of any residential district.

**4. Permitted Obstructions**

The only permitted obstruction in the open spaces provided shall be:

- (i) Flagpoles, rod, wire, or pole aerials, but not including radio, television, micro-relay, or other electronic towers consisting of multi-structural members.
- (ii) Parapet walls not more than four (4) feet high.
- (iii) Wire, chain link, or other transparent fences, not more than eight (8) feet high.

**6.055 -- Screening Requirements**

To assist in the prevention of the transmission of light and noise from within an industrial planned unit development into abutting agricultural or residential districts, screening shall be required in an industrial planned unit development as follows:

- A.** Where an industrial planned unit development abuts or is contiguous to any residential district without an intervening street, but with or without an intervening alley or other way, there shall be provided, within the industrial planned unit development but not within a street or alley, continuous screening along the extent of the contiguity of the said developments. Such screening shall be of opaque or translucent materials resistant to deterioration by natural causes, or it shall be of such plant materials as will provide a year-round evergreen screening. Screening, as required herein, shall be not less than six (6) feet in height, and shall be provided from the grade of the property upward, and shall be permanently maintained.
- B.** Screening, as required herein, may be located within open areas as are required in this section, provided that no screening shall be located within the outer limits of any required automotive visibility area.

#### **6.056 -- Street Layout, Required Off-Street Parking and Loading**

##### **A. Street Layout**

In order to encourage the sound development of major thoroughfares and to reduce the intrusion of industrial traffic into non-manufacturing areas, the following principles shall be followed:

1. The vehicular access to an industrial planned unit development shall be only from an arterial or collector street as shown on the Major Thoroughfare Plan, Maury County, Tennessee.

2. Each building or group of buildings and their parking and service areas in an industrial planned unit development shall be physically separated from any major street, identified as above, by a curb, planting strip or other suitable barrier against unchanneled vehicular areas or egress, except for access ways as permitted by paragraph (c) below.

3. Access ways to an industrial planned unit development shall be designed so as to minimize traffic conflicts. In no event shall an access point be closer than one hundred (100) feet from any intersection of street right-of-way lines.

4. All industrial planned unit developments shall be designed so as to reduce to an absolute minimum the flow of traffic moving to and from industrial areas through residential areas.

#### **6.057 -- Required Accessory Off-Street Parking and Loading Areas**

Off-site parking spaces accessory to any permitted use in an IPUD may be located on a zone lot other than the same zone lot as such use to which the spaces are accessory, provided that:

- A. Such spaces are located within the area encompassed by the IPUD.
- B. There is no way to arrange such spaces on the same zone lot as such use.
- C. Such spaces are located to draw an absolute minimum of vehicular traffic to and through streets having predominantly residential frontage.
- D. Such spaces are located no further than six hundred (600) feet from the nearest boundary of the zone lot to which they are accessory.
- E. Such spaces are in the same ownership as the use to which they are accessory, and necessary instruments are executed to ensure the required number of spaces will remain available throughout the life of such use.
- F. Such spaces conform to all applicable regulations of the IPUD of which they are a part.

#### **6.058 -- Permitted Signs**

The sign provisions applicable to M-1 districts will apply to all signs permitted within any IPUD district.



## ARTICLE VII - EXCEPTIONS AND MODIFICATIONS

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VII-2	7.040 Lots of Record
VII-2	7.050 Special Provisions Governing Nonconforming Buildings Within Floodplain Districts
VII-2	7.060 Exceptions to Setback Requirements – Preexisting Lots of Record
VII-2	7.070 Exceptions to Setback Requirements: Preexisting, Grandfathered Residential Structures

### **7.010. Scope**

ARTICLE VII of this Resolution is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in ARTICLE IV and ARTICLE V.

### **7.020. Nonconforming Uses**

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

- A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification; provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to conditions as the Board of Zoning Appeals may require in order to protect the area.
- B. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this Resolution. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Resolution.
- C. When a nonconforming use of any structure or land has been discontinued for a period of 30-months, it shall not be reestablished or changed to any use not in conformity with the provisions of this Resolution.

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.

- D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God, may be reconstructed and used as before, if it is done within 30-months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair market value immediately prior to damage, in which case any repair or reconstructions shall be in conformity with the provisions of this Resolution.
- E. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this Resolution. These provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

- F. A nonconforming lot of record can have the lot size increased to less than the applicable minimum lot area standards for the zoning district. Within these limits, the Building Commissioner may approve an Administrative Plat (as permitted by the Maury County Subdivision Regulations) without action by the Maury County Board of Zoning Appeals.

**7.030. Exceptions to Height Limitations**

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

**7.040. Lots of Record**

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

- A. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this Resolution, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- B. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

**7.050. Special Provisions Governing Nonconforming Buildings Within Floodplain Districts**

**7.051 -- General Provisions**

In all districts or portions thereof which extend into the floodplain districts as established by this Resolution, any building or other structure or use which is not permitted by the floodplain district provisions shall become nonconforming upon the effective date of this ordinance, or subsequent amendment as applicable.

**7.060. Exceptions to Setback Requirements - Preexisting Lots of Record**

Lots and/or subdivisions platted and recorded in the Maury County Register of Deeds' Office prior to the effective date of this Resolution (April 25, 1986) shall not be required to meet the setbacks provided that the lot(s) of record have recorded deed restrictions specifying minimum setback requirements.

Furthermore, any preexisting lots of record not having one or more setback requirements defined shall conform to Maury County's setback regulations as specified herein.

**7.070. Exceptions to Setback Requirements - Preexisting, Grandfathered Residential Structures**

When additions and/or alterations are made to residential structures built in Maury County prior to the effective date of this Resolution (April 25, 1986) whose preexisting, grandfathered setbacks are lesser than those setbacks as defined in this text, the preexisting, grandfathered setbacks will be honored for said additions and/or alterations so long as the setbacks are not intensified (the setback distances of the preexisting, grandfathered structure).

## ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

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### **8.010. Administration of the Resolution**

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

### **8.011. Pre-Application Conference**

The purpose of a Pre-Application Conference is to familiarize the applicant and the County staff with the applicable provisions of this Resolution, inform the applicant about the preparation of the appropriate application, discuss the application process and discuss the review process.

The Pre-Application Conference between the applicant and the Building Commissioner (or authorized representative) and/or any other appropriate County staff is recommended, but is optional, before submission of the following types of applications:

- 1) Special Exception Uses
- 2) Rezoning (Official Zoning Map Amendments);
- 3) Zoning Text Amendments;
- 4) Site Plans

The Pre-Application Conference is intended as a means of facilitating the application process. Discussions held in accordance with Pre-Application Conference are not binding on the County.

After the Pre-Application Conference the applicant can submit their application and fees. The County processing times for review of applications do not begin until a formal, complete application is submitted, is determined to be complete and fees are paid in full. It is the applicant's responsibility to perform their due diligence and research to understand the steps and time frames needed to receive approvals from the County.

To assist the applicant, at the Pre-Application Conference the Building Commissioner (or authorized representative) will have the applicant present their proposed project and/or objectives. Based upon the applicant's presentation, the Building Commissioner will discuss the process that the applicant would need to pursue. The process scenarios typically can include, but are not limited, to one or more of the following:

#### **I. Procedure Summary for Property located Outside of a Municipal Planning Region**

- 1) Use is permitted within the existing Zoning District without Special Exception Use.
  - a) Final Site Plan application to the Maury County Regional Planning Commission and documents submitted, fees paid.
  - b) Final Site Plan action from the Maury County Regional Planning Commission
- 2) Use is permitted within the existing Zoning District with a Special Exception Use
  - a) Special Exception Use application request to the Maury County Board of Zoning Appeals and documents submitted, fees paid
  - b) Public Notice regarding the meeting of the Maury County Board of Zoning Appeals
  - c) Public Meeting of the Maury County Board of Zoning Appeals
  - d) Special Exception Use action from the Maury County Board of Zoning Appeals

- e) Final Site Plan application to the Maury County Regional Planning Commission and documents submitted, fees paid
  - f) Final Site Plan action from the Maury County Regional Planning Commission
- 3) Rezoning Requested without Special Exception Use
- a) Rezoning application request to the Maury County Regional Planning Commission and documents submitted, fees paid
  - b) Public Notice regarding the meeting of the Maury County Regional Planning Commission
  - c) Public Meeting of the Maury County Regional Planning Commission
  - d) Rezoning recommendation from Maury County Regional Planning Commission to the County Commission
    - (1) Upon favorable recommendation for rezoning by the Maury County Regional Planning Commission the Building Commissioner (or authorized representative) will process the recommendation to the County Commission.
    - (2) Upon negative recommendation from the Maury County Regional Planning Commission, if the applicant decides to do so, then the applicant must specifically make a written request for the applicant's rezoning request to be heard by the County Commission. The application will be considered expired if this written request is not submitted in writing to the Building Commissioner (or authorized representative) not later than ten (10) business days after the date of Maury County Regional Planning Commission meeting where the negative recommendation was voted.
  - e) Public Notice regarding the meeting of the County Commission
  - f) Public Hearing at meeting of the County Commission
  - g) Rezoning action from the County Commission.
  - h) If Rezoning is approved, Final Site Plan application to the Maury County Regional Planning Commission and documents submitted, fees paid
  - i) Final Site Plan action from the Maury County Regional Planning Commission
- 4) Special Exception Use with Subsequent Request for Rezoning. This process also applies to Requests for Rezoning to C-3 or M-3.
- a) Special Exception Use application request to the Maury County Board of Zoning Appeals, Preliminary Site Plan and documents submitted, fees paid
  - b) Public Notice regarding the meeting of the Maury County Board of Zoning Appeals
  - c) Public Meeting of the Maury County Board of Zoning Appeals
  - d) Special Exception Use action from Maury County Board of Zoning Appeals. If the Special Exception Use is approved, the applicant may proceed to the next step.
  - e) Maury County Regional Planning Commission applications submitted, Preliminary Site Plan and documents submitted, fees paid for both
    - a (1) Rezoning request and (2) Preliminary Site Plan approval.
  - f) Public Notice regarding the meeting of the Maury County Regional Planning Commission
  - g) Public Meeting of the Maury County Regional Planning Commission
  - h) Rezoning recommendation from Maury County Regional Planning Commission to the County Commission
    - (1) Upon favorable recommendation for rezoning by the Maury County Regional Planning Commission the Building Commissioner (or authorized representative) will process the recommendation to the County Commission.

- (2) Upon negative recommendation from the Maury County Regional Planning Commission, if the applicant decides to do so, then the applicant must specifically make a request for the applicant's rezoning request to be heard by the County Commission. This request must be submitted in writing to the Building Commissioner (or authorized representative) not later than ten (10) days after the date of Maury County Regional Planning Commission meeting where the negative recommendation was voted.
  - i) Public Notice regarding the meeting of the County Commission
  - j) Public Hearing at meeting of the County Commission
  - k) Rezoning request action from the County Commission.
  - l) If Rezoning is approved, application request to the Maury County Regional Planning Commission for Final Site Plan and documents submitted, fees paid
  - m) Final Site Plan action from the Maury County Regional Planning Commission

**II. Zoning Text Amendments**

- a) Zoning Text Amendment application request and documents submitted, fees paid
- b) Public Notice regarding the meeting of the Maury County Regional Planning Commission
- c) Public Meeting of the Maury County Regional Planning Commission
- d) Zoning Text Amendment recommendation from Maury County Regional Planning Commission to the County Commission
  - (1) Upon favorable recommendation for by the Maury County Regional Planning Commission the Maury County Building Commissioner (or authorized representative) will process the recommendation to the County Commission.
  - (2) Upon negative recommendation from the Maury County Regional Planning Commission, if the applicant decides to do so, then the applicant must specifically make a request for the applicant's Zoning Text Amendment request to be heard by the County Commission. This request must be submitted in writing to the Maury County Building Commissioner (or authorized representative) not later than ten (10) days after the date of Maury County Regional Planning Commission meeting where the negative recommendation was voted.
- e) Public Notice regarding the meeting of the County Commission
- f) Public Hearing at meeting of the County Commission
- g) Zoning Text Amendment request action from the County Commission.

**8.012 Zoning Certificate**

- A. Purpose and Intent: The purpose and intent of this Article is to provide for the review for compliance with this Zoning Resolution. A Zoning Certificate is required:
- (1) prior to commencement of all development or construction
  - (2) prior to commencement of a change in use of a property or structure

The Zoning Certificate will provide information regarding:

- (1) the zoning of the property and
- (2) the use of the property.

As a point of information, the tax assessor bases the tax assessment on the use of the property (commercial, industrial, residential) not the underlying zoning designation of the property.

- B. Applicability: 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 after the effective date of this requirement until a Zoning Certificate has been approved in accordance with this Article.
- C. Authority: The Building Commissioner, or designee, shall approve an application for a Zoning Certificate in accordance with the procedures and standards of this Article.
- D. Initiation: An application for a Zoning Certificate may be initiated by a person or entity having authority to submit an application.
- E. Procedure: Applications for a Zoning Certificate will be accepted only from persons having legal authority to take action in accordance with the permit. By way of illustration, in general, this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Resolution, or the agents of such entities

Upon receipt of a complete Zoning Certificate application, the Building Commissioner, or designee, may distribute the application to other appropriate County departments for review and comment. Such comment may be used by the Building Commissioner in the making of a decision. An application for a Zoning Certificate shall be approved only upon finding the proposed development complies with all the requirements of this Zoning Resolution. The Building Commissioner shall review the application and take one of the following:

- (1) Approval of the application as submitted; or
- (2) Denial of the application.

A Zoning Certificate shall not be approved by the Building Commissioner until the following requirements are met:

- a) If the development requires a subdivision plat, then the development must have received an approved plat in accordance with the Maury County Subdivision Regulations prior to the issuance of an approved Zoning Certificate.
- b) If the development requires a Final Site Plan, the site plan shall be approved prior to submission of an application for a Zoning Certificate and shall be made a part of the Zoning Certificate application.
- c) In cases where review by the Planning Commission and /or BZA is required by this Zoning Resolution, the application for the Zoning Certificate shall be considered continued until such a time that a decision is rendered. Upon the rendering of a decision by the Planning Commission or BZA, the Building Commissioner shall act on the application based on that decision.

A decision on the Zoning Certificate shall be made within five (5) business days after completion of the prerequisites for approval as outlined above.

F. Effect of Zoning Certificate Approval:

- (1) When a Zoning Certificate is approved, the Building Commissioner shall issue a Zoning Certificate which shall state on its face:  
 “This certificate does not signify building codes review or approval and is not authorization to undertake any work without such review and approval where either is required. Before any structure to which this certificate is applicable may be occupied or used for any purpose, a certificate of occupancy must be obtained.”
- (2) Nothing in this Article relieves an applicant of responsibility to acquire any additional permits required by any applicable statute, resolution or ordinance.



### **8.020. The Enforcement Officer**

The provisions of this Resolution shall be administered by the Maury County Building Commissioner or authorized representative (Building Commissioner). The Building Commissioner shall administer and enforce this Resolution and, in addition, Building Commissioner shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all certificates of occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.
- D. Maintain and keep current Zoning Resolution maps and records of amendments thereto.
- E. Conduct inspections as required in this Resolution and such other inspections as are necessary to insure compliance with the various other general provisions of this Resolution. The Building Commissioner shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out authorized duties.

### **8.030. Building Permits**

The purpose and intent of this Article is to provide for the review of all structures, land disturbance and issues subject to the adopted Building Codes of Maury County and subject to this Zoning Ordinance. All reviews are for the purposes of protecting the health, safety, and general welfare of the public. Building Permits shall be required before a property owner or applicant can locate, erect, or begin construction, reconstruction, extension, conversion, or structural alteration of any building or structure.

In accordance with Section 13-7-110 of the Tennessee Code Annotated, it shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land until the Building Commissioner has issued for such work a Building Permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Resolution. Application for a Building Permit shall be made in writing to the Building Commissioner on forms required for that purpose. The applicant shall submit application forms, instructional sheets, checklists, drawings, documents, forms and fees that must be submitted as part of the Building Permit application.

### **8.031 -- Application for Building Permit**

Applications for Building Permits will be accepted only from persons having legal authority to take action in accordance with the permit. By way of illustration, in general, this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Resolution, or the agents of such entities...

The review of all structures is subject to the adopted Building Codes of Maury County. A Building Permit shall not be approved upon a finding that the proposed development, site or use does not comply with all the requirements of this Resolution and all other applicable Resolutions and regulations.

The Building Commissioner may impose conditions on the issuance of the Building Permit that will bring the application into compliance with this Resolution. If the Building Permit is to be approved with conditions, the applicant shall be required to submit revised documentation demonstrating compliance with all conditions and this Resolution before the issuance of any permits.

**8.032 -- Development Plans Required**

The Development Plans, Plot Plans, Preliminary Site Plans or Final Site Plans as indicated in Sections 8.033 and 8.034 (below) are required for the uses indicated. The applicant shall submit application forms, instructional sheets, checklists, drawings, documents, forms and fees that must be submitted as part of the application.

**8.033 -- Plot Plan Required for One- and Two-Family Detached and Semidetached Dwellings**

When applying for a Building Permit, the Plot Plan for any one- and two-family detached or semidetached dwelling (including mobile homes located on individual lots) shall indicate:

- a. The requirements included but not limited to those listed on the checklist.
- b. Supporting documentation deemed necessary by the Building Commissioner.
- c. The location of areas subject to flooding and the requirements of Section 5.071 of this Resolution as applicable.

**8.034 -- Site Plans Required for Uses Other Than One- and Two-Family Detached and Semidetached Dwellings**

**A. Preliminary Site Plans:**

A Preliminary Site Plan containing the information indicated herein is required for all uses excepting one- and two-family detached and semidetached dwellings where:

- (1) a Special Exception Use with a future Rezoning is being requested.
- (2) any Use or Special Exception Use is being requested in a C-3 or M-3 Zoning District.

This Preliminary Site Plan shall be prepared and stamped by an individual licensed and/or certified by the State of Tennessee to perform such design service as may be required.

The Preliminary Site Plan shall indicate:

- a. The requirements included but not limited to those listed on the checklist.
- b. Supporting documentation deemed necessary by the Building Commissioner.
- c. The location of areas subject to flooding and the requirements of Section 5.071 of this Resolution as applicable.

**B. Final Site Plans:**

A Final Site Plan containing the information indicated herein is required for all commercial, industrial, institutional, recreational, medical, religious, residential activities and all other uses (excepting one- and two-family detached and semidetached dwellings). This Final Site Plan shall be prepared and stamped by an individual licensed and/or certified by the State of Tennessee to perform such design service as may be required.

The Final Site Plan shall indicate:

- a. The requirements included but not limited to those listed on the checklist.
- b. Supporting documentation deemed necessary by the Building Commissioner.
- c. The location of areas subject to flooding and the requirements of Section 5.071 of this Resolution as applicable.

### **8.035 – Exceptions to Site Plans Requiring Planning Commission Approval**

Site Plans to be reviewed and approved by the Building Commissioner, but not requiring approval by the Maury County Regional Planning Commission, include the following:

- (1) Any single family detached dwelling, addition or alteration or accessory structure
- (2) Any Duplex Dwelling, addition or alteration or accessory structure
- (3) Commercial, Industrial or Institutional structure or accessory structure that meets the following:
  - (a) the total addition and/or alteration does not exceed 25% of the structure's existing gross total square footage, up to a maximum of 1,500 sq. ft.;
  - (b) all required setback requirements can be met;
  - (c) the shape and size of the existing tract and/or parcel of land remains the same;
  - (d) rezoning of property is not required;
  - (e) ingress/egress to the site, as well as parking, will not be altered;
  - (f) site is not located within an identified flood hazard area.
- (4) Any Maury County Government facility or development that is not located within a Special Flood Hazard Area per Article 5.071 Floodplain District.

The Plot Plan or Site Plan requirements shall be as required under Article 8.033 or 8.034 and as otherwise required by the Building Codes adopted by Maury County or other portions of this Zoning Ordinance.

### **8.036. Expiration/Vesting of Site Plans**

The vesting period for development standards as to approved development plans shall be as outlined in TCA 13-3-413 and as amended.

### **8.040. Temporary Use Permits**

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Building Commissioner, as provided for in ARTICLE IV, Section 4.030 of this Resolution. Application for a temporary use permit shall be made in writing to the Building Commissioner on forms required for that purpose.

### **8.050. Certificate of Occupancy**

No land or building or other structures or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Commissioner shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this Resolution. As soon as notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the Building Commissioner to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Resolution, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

## **8.060. Maury County Board of Zoning Appeals and Powers**

- A. Authority: The Maury County Board of Zoning Appeals is hereby established in accordance with Sections 13-7-106 through 13-7-109 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members, two (2) of whom may be Maury County Regional Planning Commissioners. The County Commission shall appoint members and may fix their compensation and their terms, which shall be so arranged that the term of one member will expire each year. The County Commission may remove any member upon cause. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment.
- B. Procedure: Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board of Zoning Appeals may determine. Such chairman or, in chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.
- C. Powers of the Board of Zoning Appeals: The Board of Zoning Appeals shall have the following powers:
1. Appeals of an Administrative Decision: To hear and decide appeals of administrative decisions (appeals). The appeal of administrative decisions (appeals) process is a review procedure that allows an applicant to appeal an administrative decision if the applicant feels the administrative decision was incorrect or that the applicant has been otherwise aggrieved by the administrative decision. The administrative decision refers to a decision made by the Building Commissioner or other County representative based in whole or in part upon the provisions of this Resolution.  
  
Appeals must be made within 30 days of the administrative decision. Appeals must be made in writing by the applicant specifying the grounds for their appeal. The application, documents and fees required for an appeal shall be obtained from the Building Commissioner. Upon payment of applicable application fees, the Building Commissioner shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed was taken. The Board of Zoning Appeals shall fix a reasonable time for the public meeting for the appeal, give public notice thereof, as required herein., as well as due notice to the parties requesting the Board of Zoning Appeals' public meeting.
  2. Special Exceptions: To hear and decide applications for Special Exception Uses as specified in this Resolution.
  3. Variiances: To hear and decide applications for Variiances from the terms of this Resolution.
  4. Interpretations: To hear and decide applications for Appeals on interpretations rendered by the Building Commissioner or other County representative related to this Resolution or the official Zoning Map may be taken to the Board of Zoning Appeals as provided in C.1 above.
- D. Rules and Proceedings of the Board of Zoning Appeals: The Board of Zoning Appeals shall adopt rules for the conduct of its meetings. Such rules shall, at the minimum, require that:
1. Three (3) Board of Zoning Appeals members shall constitute a quorum for the purpose of conducting business. The voting on all questions coming before the Board of Zoning Appeals shall be ayes and nays, and unanimous votes and abstentions shall be entered upon the record of such meeting. The concurring vote of three (3) members shall be required to take final action on any motion before the Board of Zoning Appeals.

2. No action shall be taken by the Board of Zoning Appeals on any case until after a public meeting and notice thereof. Said notice of public meeting shall be a legal notice published in a newspaper of general circulation in Maury County at least seven (7) days before the public meeting for an appeal. The seven (7) days shall not include the day on which the newspaper notice is published, nor the day on which the meeting of the Board of Zoning Appeals occurs.

If new information is subsequently uncovered, after the Board of Zoning Appeals meeting where action was taken, regarding an action of the Board of Zoning Appeals that could not have been reasonably presented in the public meeting of the Board of Zoning Appeals, the Board of Zoning Appeals shall establish a date for the purpose of reconsideration in accordance with the appropriate procedures herein.

3. The Board of Zoning Appeals may call upon any other office or agency of the County government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board of Zoning Appeals as may be reasonably required.
  4. The Maury County Regional Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board of Zoning Appeals and such opinion shall be made part of the record of such public meeting.
  5. An aggrieved officer, agency or department of the County or other aggrieved party may appeal any decision of the Board of Zoning Appeals to a court of competent jurisdiction as provided for by state law.
  6. Any decision made by the Board of Zoning Appeals on a Special Exception shall indicate the specific section of this Resolution under which the Special Exception Use is being considered and shall state clearly the specific conditions imposed in granting such Special Exception Use.
  7. Appeals will be assigned for public meeting in the order in which they appear on the calendar thereof, except that appeals may be advanced for public meeting by order of the Board of Zoning Appeals, good and sufficient cause being shown.
  8. At the public meeting for the case before the Board of Zoning Appeals, the appellant shall appear in their own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first, others in support shall be second and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.
- E. Stay of Proceedings: An appeal shall stay proceedings in furtherance of the action appealed from, unless the Building Commissioner certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of competent jurisdiction on notice to the Building Commissioner, and on due cause shown.
- F. Liability of Board of Zoning Appeals Members, Building Commissioner and Employees: Any Board of Zoning Appeals member, Building Commissioner, or other employee charged with the enforcement of this Resolution, acting for Maury County within the scope of the responsibilities assigned to them under this Resolution, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability and shall be held harmless by the County of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board of Zoning Appeals member, Building Commissioner, or employee charged with the enforcement of any provision of this

Resolution shall be defended by legal representatives furnished by the County until the final termination of such proceedings.

G. Right of Entry Upon Land: Upon notice to property owners, the Board of Zoning Appeals, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove notices as required by this Resolution.

H. Reconsideration of Decisions:

1. No reconsideration of the decision by the Board of Zoning Appeals shall be had except:

(i) On motion to reconsider the vote.

(ii) On a written request for a reconsideration of a decision.

2. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for reconsideration, subject to such conditions as the Board of Zoning Appeals may, by resolution in each case, stipulate.

3. No request to grant reconsideration will be entertained unless new evidence is submitted which could not reasonably be presented at the previous public meeting related to the application.

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

4. No reconsideration of an action of the Board of Zoning Appeals shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior action of the Board of Zoning Appeals granted under the authority of this article.

## **8.070. Variances**

The Variance process is intended to provide limited relief from the requirements of this Resolution in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Resolution. It is not intended that Variances be granted to remove inconveniences or financial burdens that the requirements of this Resolution may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

### **8.071 -- Procedure for Authorizing a Variance**

- A. **Application:** After written denial of a permit, a property owner may make application for a Variance, using the forms made available by the Building Commissioner.
- B. **Public Meetings:** Upon receipt of an application for a Variance and the payment of applicable application fees, the Board of Zoning Appeals shall hold a public meeting to decide whether a Variance to the Resolution provisions is, in fact, necessary to relieve unnecessary hardship. The Board of Zoning Appeals shall consider and decide all applications for Variances within ninety (90) days after the close of the public meeting and in accordance with the standards provided below.
- C. **Notice to Affected Property Owners:** The Board of Zoning Appeals shall give notice by sending a letter containing the notice to the owners as reflected on the tax records of all property, any portion of which lies within any area within five-hundred (500) feet of the outside property line of the property which is the subject of the appeal. The Building Commissioner shall also have a sign or signs placed at the subject property as notice.

The notice letter shall reasonably describe the contents of the appeal and the action requested, and shall be mailed not less than seven (7) days prior to the date of each public meeting.

### **8.072 -- Standards for Variances**

The Board of Zoning Appeals shall not grant a Variance unless it makes findings based upon evidence presented to it as follows:

- a. In accordance with Section 13-7-109, Tennessee Code Annotated, the Board of Zoning Appeals may authorize a Variance from such strict application so as to relieve such difficulties or hardship only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Resolution or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the regulations of this Resolution would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a Variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Resolution.
- b. That the Variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure. That good and sufficient cause exists for the granting of the Variance.
- c. That the Variance will not authorize activities in a zoning district other than those permitted by this Resolution.

- d. That the granting of the Variance will not be detrimental to the welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this Resolution.
- e. That the proposed Variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the streets, or increase the danger of fire, or endanger the public safety.
- f. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this Resolution.
- g. All applications for variances shall be heard by the Board of Zoning Appeals after reference to such committees and administrative officials as may be established for purposes of investigation and recommendation.
- h. Such variance shall be freely transferable with the land and shall not be personal to the applicant.

#### **8.073 -- Nonconformity Does Not Constitute Grounds for Granting of a Variance**

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a Variance.

#### **8.074 -- Prohibition of Use Variances**

Under no circumstances shall the Board of Zoning Appeals grant a Variance to allow a "USE" not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

#### **8.075 -- Conditions and Restrictions by the Board of Zoning Appeals**

The Board of Zoning Appeals may impose such conditions and restrictions regarding the location, character, and other features of the proposed structure or use upon the premises benefited by a Variance as may be necessary to comply with the provisions set out in Subsection 8.072 "d" (above), to reduce or minimize the injurious effect to such Variance upon surrounding property as it may deem necessary in the interest of furthering the purposes of this Resolution and in the public interest.. The Board of Zoning Appeals may establish expiration dates as a condition or as a part of any Variance. The Variance approval will expire one-year (1-year) after the meeting date where the Board of Zoning Appeals approved the Variance, if the applicant has not commenced actions to implement the approved Variance.

If approval is granted with conditions or restrictions, the applicant shall be required to submit revised documents showing compliance with all approval conditions and restrictions and this Resolution before the issuance of any permits.



**8.076 Board of Zoning Appeals Has Powers of Administrative Official on Appeals; Reversing Decision of Building Commissioner**

In exercising the powers granted to it, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Resolution, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such orders, requirement, decision or determination as ought to be made and that end shall have the powers of the Building Commissioner from whom the appeal is taken.

The concurring vote of a majority of the entire membership of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Commissioner

**8.077 Re-Applications**

If an application for a Variance is denied or disapproved by the Board of Zoning Appeals, thereafter the Board of Zoning Appeals shall not be required to consider another Variance application for substantially the same proposal, on the same premises, until one (1) year after the date of disapproval.

**8.078 Variance Appeals**

Any person including any agency of the county government aggrieved by a decision of the Board of Zoning Appeals on a Variance may appeal by certiorari to a court of competent jurisdiction in accordance with the laws of the State of Tennessee.

**8.079 Provisions Governing the Consideration of Variances From the Regulations for Floodplain Districts or Areas of Special Flood Hazard**

The provisions governing the consideration of Variances from the regulations for Flood Plain Districts or Areas of Special Flood Hazard are listed under Section 5.071.6 of this Resolution.

Due the potentially hazardous conditions and detrimental effect to other properties the applicant will be expected to provide detailed surveying, engineering or other professional evaluations, reports and documents to justify their application. The cost of providing this information is at the applicants sole cost and will not be considered a hardship. An application and submitted documents that are deemed incomplete or insufficient may be grounds for denial of the application by the Board of Zoning Appeals.

## **8.080. Special Exception Uses**

A Special Exception Use is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the zoning district and compatible with its surroundings.

### **8.081 Procedure for Authorizing Special Exception Uses**

The following procedure is established to provide procedures for review of a proposed Special Exception Use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this Resolution or whether a review is requested by the Building Commissioner to determine whether a proposed use is potentially noxious, dangerous or offensive and is and compatible with its surroundings.

- A. **Application**: An application shall be filed with the Building Commissioner for review. Said application shall show the location and intended uses of the site, the names of the owners of the adjacent parcels which abut the property which is the subject of the appeal shall be shown on the Plot Plan or Site Plan, existing zoning classifications of all parcels within two-hundred (200) feet of the outside boundary of the site which is the subject of the requested Special Exception Use, and any additional material pertinent to the request which the Board of Zoning Appeals may require. An application for a Special Exception Use shall be made using the forms to be obtained from the Building Commissioner.
- B. **Public Meeting**: Upon receipt of an application for a Special Exception Use and the payment of applicable application fees, the Board of Zoning Appeals shall hold a public meeting to decide whether a Special Exception Use is appropriate. The Board of Zoning Appeals shall consider and decide all applications for Special Exception Use within ninety (90) days after the close of the public meeting and in accordance with the standards provided below. The applicant shall be provided with either a written notice of approval or denial.
- C. **Conditions and Restrictions**: In the exercise of its approval, the Board of Zoning Appeals may impose such conditions and restrictions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this Resolution. The Special Exception Use approval will expire one-year (1-year) after the meeting date where the Board of Zoning Appeals approved the Special Exception Use if the applicant has not commenced actions to implement the approved Special Exception Use.
- D. **Notice to Affected Property Owners**: The Board of Zoning Appeals shall give notice by sending a letter containing the notice to the owners as reflected on the tax records of all property, any portion of which lies within any area within five-hundred (500) feet of the outside property line of the property which is the subject of the application for a Special Exception Use.

The Building Commissioner shall also have a sign or signs placed at the subject property as notice.

The notice letter shall reasonably describe the contents of the action requested, and shall be mailed not less than seven (7) days prior to the date of each public meeting.

- E. **Validity of Plans or Uses**: All approved plans, use, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed Special Exception Use shall conform to such regulations, resolutions, requirements, and conditions at all times.

- F. Revocation of a Special Exception Use: The Board of Zoning Appeals has the authority to revoke a Special Exception Use for non-compliance with the Board of Zoning Appeals' approval or the Zoning Resolution.

### **8.082 Standards for Special Exceptions**

No application for a Special Exception Use shall be approved unless the Board of Zoning Appeals finds the proposed Special Exception Use is appropriate in the location for which it is proposed and complies with the following standards:

- a. The proposed Special Exception Use is consistent with the general purpose, goals, objectives, and recommendations of the Maury County Comprehensive Plan, this Resolution, and all other relevant resolutions adopted by the County;
- b. The proposed Special Exception Use complies with all the requirements of this Resolution;
- c. The proposed Special Exception Use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way;
- d. The proposed Special Exception Use would not result in a substantial or undue adverse effect on matters affecting the public health, safety, and general welfare, including environmental impacts, either as they now exist or as they may in the future;
- e. The proposed Special Exception Use would be adequately served by, and will not impose an undue burden on, any of the infrastructure, public services, or public facilities;
- f. Where any improvements, facilities, utilities, or services are not available or adequate to service the proposed Special Exception Use, the applicant shall, as part of the application and a condition to approval of the proposed Special Exception Use, be responsible for establishing the ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Comprehensive Plan, this Resolution, and other plans, programs, maps, and resolutions adopted by Maury County. The approval of the Special Exception Use shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.
- g. The Board of Zoning Appeals may impose conditions and restrictions on the approval of the application to ensure that the proposed Special Exception Use and property have minimal adverse effects on the health, safety, and general welfare of the County.
- h. Every Special Exception Use shall be conditioned on the proposed Special Exception Use fully complying with all requirements of this Resolution and, where applicable, with the County Subdivision Regulations.
- i. The Board of Zoning Appeals may also attach any other conditions deemed appropriate regarding a specific Plot Plan or Site Plan. The violation of any condition contained in a Special Use approval shall be a violation of this Resolution.
- j. All applications for Special Exceptions shall be heard by the Board of Zoning Appeals after reference to such committees and administrative officials as may be established for purposes of investigation and recommendation.
- k. Such Special Exception Use shall be freely transferable with the land and shall not be personal to the applicant.

**8.083 Re-Applications**

If an application for a Special Exception Use is denied or disapproved by the Board of Zoning Appeals, thereafter the Board of Zoning Appeals shall not be required to consider another Special Exception Use application for substantially the same proposal, on the same premises, until one (1) year after the date of disapproval.

**8.084 Special Exception Use Appeals**

Any person including any agency of the county government aggrieved by a decision of the Board of Zoning Appeals on a Special Exception Use may appeal by certiorari to a court of competent jurisdiction in accordance with the laws of the State of Tennessee.

**8.085 -- Provisions Governing the Consideration of Special Exception Use Permits Within Floodplain Districts or Areas of Special Flood Hazard**

The provisions governing the consideration of a Special Exception Use Permits within a Flood Plain Districts of Areas of Special Flood Hazard are listed under Section 5.071 of this Resolution. This shall also include Section 5.071.6 of this Resolution which shall likewise apply to consideration of Special Use Exceptions.

Due the potentially hazardous conditions and detrimental effect to other properties the applicant will be expected to provide detailed surveying, engineering or other professional evaluations, reports and documents to justify their application. The cost of providing this information is at the applicants sole cost and will not be considered a hardship. An application and submitted documents that are deemed incomplete or insufficient may be grounds for denial of the application by the Board of Zoning Appeals.

### **8.090. Amendments to the Zoning Resolution or Zoning Map (Rezoning)**

The regulations and the number, or boundaries, or districts established by this Resolution, may be amended, supplemented, changed, modified, or repealed by the Maury County Commission; but, in accordance with the Tennessee enabling legislation, no amendment shall become effective unless it is first submitted to the Maury County Regional Planning Commission for their recommendation to the Maury County Commission. The procedures to follow are provided in 8.091 and 8.092.

#### **8.091 – Procedure**

##### **A. Application:**

- (1) Amendments initiated by any owner of property within Maury County: The first step, to amend the text of this Zoning Resolution or the Official Zoning Map, is to submit the application and fees using the forms made available by the Building Commissioner. The application shall be submitted to the Building Commissioner. The applicant shall then follow the procedures and requirements listed herein. Changes to the Official Zoning Map must be requested by the owner of the property to be rezoned, or their representative as authorized in writing.
- (2) Amendments initiated by the County Commission: In accordance with Tennessee Code Annotated 13-7-105, the County Commission may, from time to time, amend the number, shape, boundary, area or any regulation of or within any district or districts or any other provision of this Zoning Resolution; but any such amendment shall not be made or become effective unless the same be first submitted for approval, disapproval or suggestions to the Maury County Regional Planning Commission.
- (3) Amendments initiated by the Maury County Regional Planning Commission: The Maury County Regional Planning Commission by approved motion may initiate amendments for consideration.

##### **B. Public Meetings By the Planning Commission:**

- (1) The Planning Commission shall conduct at least one public meeting on the application. After close of the public meeting, the Planning Commission shall consider the application, relevant support materials, and any comments given by the public or others.
- (2) If the property to be rezoned is located within a Municipal Planning Area that is outside of the Municipal Limits, a recommendation from the Municipality's Planning Commission will be required to be sent to the County Commission.

##### **C. Notice to Affected Property Owners Regarding Planning Commission Public Meeting:**

- (1) A fifteen (15) days legal notice of the time and place of the public meeting shall be given by at least one (1) publication in a newspaper of general circulation in the County, and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county. The fifteen (15) days notice shall not include the day on which the newspaper notice is published nor the day on which the public meeting is held.
- (2) The Building Commissioner of the County shall cause to be placed a sign on all property for which a rezoning request is made, which sign shall remain on the property as long as a rezoning request is pending. The sign shall state that a rezoning request is pending for the property and give a telephone number for persons to obtain further information about the request. The sign need not state the owners name or the existing zoning and requested zoning classification.

- (3) Property owners abutting, touching, and/or fronting a parcel of land for which rezoning is being requested shall be notified, by letter, of such rezoning request. Said notification shall be mailed seven (7) days prior to the first scheduled meeting of the Planning Commission. The seven (7) days notice shall not include the day on which the letter is mailed nor the day of the meeting.
- (4) If the property to be rezoned is located within a Municipal Planning Area that is outside of the Municipal Limits, a recommendation from the Municipality's Planning Commission will provide notice in accordance with their notice requirements. The County is not responsible for providing notice regarding a Municipality's Planning Commission meeting. The County, at its option, may provide notice as a courtesy if the County Building Commissioner is timely notified by the Municipality that the Municipality has received an application for a recommendation regarding a property rezoning request.
- (5) The Planning Commission, by a majority vote of the quorum present, shall recommend one of the following actions to the County Commission:
  - a) Approval of the application as submitted;
  - b) Approval of the application with modifications; or
  - c) Denial of the application

**D. Planning Commission Recommendation to the County Commission**

- (1) Following its recommendation on a proposed amendment, the Planning Commission shall notify the County Commission of its recommendation and submit information detailing the recommendation.

**E. Hearings By the County Commission:**

- (1) The County Commission shall conduct a public hearing on the application. After close of the hearing, the County Commission shall consider the application, relevant support materials, and any comments given by the public or others.
- (2) The County Commission, by a majority vote of the total membership, shall take one of the following:
  - a) Approval of the application as submitted;
  - b) Approval of the application with minor modifications;
  - c) Denial of the application or
  - d) Send the application back to the Planning Commission for further consideration.

**F. Notice to Affected Property Owners Regarding County Commission Hearing:**

- (1) A fifteen (15) days legal notice of the time and place of the hearing shall be given by at least one (1) publication in a newspaper of general circulation in the County, and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county. The fifteen (15) days notice shall not include the day on which the newspaper notice is published nor the day on which the hearing is held.
- (2) The Building Commissioner of the County shall cause to be placed a sign on all property for which a rezoning request is made, which sign shall remain on the property as long as a rezoning request is pending. The sign shall state that a rezoning request is pending for the property and give a telephone number for persons to obtain further information about the request. The sign need not state the owners name or the existing zoning and requested zoning classification.
- (3) Property owners abutting, touching, and/or fronting a parcel of land for which rezoning is being requested shall be notified, by letter, of such rezoning request. Said notification shall be mailed seven (7) days prior to the first scheduled meeting of the Planning

Commission. The seven (7) days notice shall not include the day on which the letter is mailed nor the day of the meeting.

- (4) If any such amendment is adopted by the Maury County Legislative Body such amendment shall be published at least once in a newspaper of general circulation in the county.

#### **8.092 – Submittal Requirements for Amendments to Zoning Map**

The application for amendments to the Official Zoning Map shall include, but is not limited to, the following:

- (1) Proof of ownership of the property to include Deed Book-Page Number for property deed
- (2) A written narrative specifying the property to be rezoned to include Tax map and Parcel number
- (3) Provide a metes & bounds survey of the area to be rezoned, if the area to be rezoned is part of a larger parcel
- (4) Tax Map(s) & Parcel Number(s) the names of all adjoining property owners of record, or the names of adjoining
- (5) A copy of the portion of the Official Zoning Map with the property identified
- (6) Written authorization from owner regarding any agent representing the owner
- (7) A copy of the latest county tax map with the property identified. Include ortho GIS aerial view
- (8) USGS topographic map, or copy, with the perimeter of the property identified
- (9) Other information that the applicant wants to submit

Site Plan review and approval is a separate process and is not part of the rezoning process.

Building Permit review and approval is a separate process and is not part of the rezoning process.

#### **8.100. Penalties**

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

#### **8.110. Remedies**

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

#### **8.120. Validity**

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

#### **8.130. Interpretation**

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

#### **8.140. Effective Date**

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

# **APPENDIX A**

## **Plot Plan Requirements**

### **One- and Two-Family Detached and Semidetached Dwellings**



## **Zoning Resolution Maury County, TN**



## **Plot Plan Requirements**

### **One- and Two-Family Detached and Semidetached Dwellings**

1. the Name of the proposed project and/or site.
2. the name, address and contact information of the owner(s) of land, the developer if other than the owner.
3. the name, address and contact information of the consultants that were involved in preparing the plan;
4. List Deed Book-Page Number for property deed
5. List the Tax Map(s) & Parcel Number(s)
6. The actual shape, location and dimensions of the lot.
7. The shape, size and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
8. Site Location Map
9. The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate.
10. The size and location of all setbacks, yards and open areas required by this Resolution.
11. Location and width of all easements and rights-of-way both public and private
12. The dimension and location of all waterlines from which the property is to be served, with an accompanying letter from the water system stating that the service is available to the lot.
13. The location and approximate dimension of all points of access to a street or road, with an accompanying letter from the Maury County Road Superintendent stating that the proposed access will be approved by the County.
14. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Resolution are being observed.
15. Provide updated water availability letter from the water utility provider. Provide the Name, address, phone, fax, contact person of the utility provider on the drawing. Failure to provide this item with the submittal application will deem the application incomplete;
16. A notation stating that any septic systems, on-site subsurface disposal fields and appurtenances will be located on the lot or tract served and WILL NOT be located in an easement on another lot or tract.
17. Provide sewer availability letter. For on-site sewage disposal systems provide documentation from TDEC regarding soils availability for the preliminary plat shall be provided. The letter from TDEC must correspond to the Preliminary Plat lot layout. Failure to provide this item with the submittal application will deem the application incomplete. TDEC's letter is to state the capacity that the system is capable of treating.
18. If a proposed project includes an existing lot or existing home as part of property with the intent of utilizing that existing system, the existing on-site sewage disposal system shall be re-evaluated to meet the current standards of the Maury County Regional Planning Commission and TDEC. A

written certification from TDEC shall be required and state that the existing system meets current standards or an action plan to provide an acceptable system on the existing lot. TDEC's letter is to state the capacity that the system is capable of treating.

19. Be presented neat, legible and with correct spelling
20. The location of areas subject to flooding (the limits of floodway and floodway fringe areas) and the requirements of Section 5.071 of this Resolution as applicable.

# **APPENDIX B**

## **Preliminary Site Plan Requirements**

### **Uses Other Than One- and Two-Family Detached and Semidetached Dwellings**



## **Zoning Resolution Maury County, TN**

**Preliminary Site Plan Requirements**  
**Uses Other Than One- and Two-Family Detached and Semidetached Dwellings**

General – The Preliminary Site Plan shall be prepared by registered professionals to included surveyor, landscape architect, architect, land planner, or engineer. If the Preliminary Site Plan requires engineering or engineering data then the Preliminary Site Plan and documents must be sealed by a registered engineer. The scale shall be no smaller than two hundred (200) feet to an inch. The Preliminary Site Plan shall be neatly and legibly presented. The sheets shall be numbered in sequence if more than one sheet is used.

Features – The Preliminary Site Plan shall include and require but not be limited to the following:

1. the Name of the proposed project and/or site.
2. the name, address and contact information of the owner(s) of land, the developer if other than the owner.
3. the name, address and contact information of the consultants that were involved in preparing the plan;
4. Surrounding zoning classification (i.e., residential, commercial, industrial, etc.) within the general vicinity of the site.
5. List Deed Book-Page Number for property deed
6. List the Tax Map(s) & Parcel Number(s) the names of all adjoining property owners of record, or the names of adjoining developments;
7. the date and revision date of the plan, approximate true north point, scale
8. the distance of one of the corners of the boundary and the access of the site to the nearest intersection of existing public.
9. The actual shape, location, and dimensions of the tract(s) of land.
10. The shape, size, and location of all existing and proposed structures with square footage of floor area and building heights enumerated.
11. The existing and intended use of the tract(s) and of such structures upon it, including residential activities, and the number of dwelling units that the buildings are intended to accommodate.
12. Topographic features, both existing and proposed, with contours at a vertical interval of two (2) feet. (contours to be field surveyed or taken from aerial photographs not older than 2-years). For aerial photographic contours the control points and coordinates shall be shown. Provide date when control points were set and aerial photo date. Also list the name, address, phone number and contact information for the surveyor and aerial photogrammetry firm
13. Location, dimension and type of surface of all driveways and entrances (including points of access to roads), proposed internal streets, parking spaces, and other amenities as applicable.
14. Position of fences, walls, signs, and screened plantings with dimensions and materials specified.
15. Location of proposed drainage ways and the plan for storm water management. Proposed means of surface drainage, including all drainage ways, stormwater detention facilities and appurtenances.
16. the location of building setback lines;
17. the location of buffer areas and buffer lines
18. Location and width of all easements and rights-of-way both public and private.

19. Location of water bodies, streams, swamps, water wells, railroads, buildings, parks, cemeteries, drainage ditches, sink holes, culverts, bridges, pavement and other pertinent features, as determined by the Maury County Regional Planning Commission;
20. Location of landfills and/or dumps, or any other active/inactive waste disposal sites.
21. The location of areas subject to flooding and the requirements of Section 5.071 of this Resolution as applicable.
22. Location and size of waterlines to serve the site.
23. Provide updated water availability letter from the water utility provider. Provide the Name, address, phone, fax, contact person of the utility provider on the drawing. Failure to provide this item with the submittal application will deem the application incomplete;
24. A notation stating that any septic systems, on-site subsurface disposal fields and appurtenances will be located on the lot or tract served and WILL NOT be located in an easement on another lot or tract.
25. Provide sewer availability letter. For on-site sewage disposal systems provide documentation from TDEC regarding soils availability for the preliminary plat shall be provided. The letter from TDEC must correspond to the Preliminary Plat lot layout. Failure to provide this item with the submittal application will deem the application incomplete. TDEC's letter is to state the capacity that the system is capable of treating.
26. Provide the Name, address, phone, fax, contact person of all overhead utility provider(s) and underground utility providers adjacent to the property and located within the property on the drawing;
27. Site Location Map – The Site Location Map should be drawn to a scale no smaller than 1" = 2,000'. The preference is to use the County tax maps or TDOT county road map. Locate the perimeter of the property on the vicinity map; show the relation of the site to all public ways, railroads, and water courses in all directions to a distance of at least one-half mile
28. The boundaries of the site's property shown to the nearest foot.
29. External roads (access streets or roads in relation to the site.)
30. Be presented neat, legible and with correct spelling
31. Be provided with a USGS topographic map, or copy, with the perimeter of the property identified.
32. Be provided with a copy of the latest county tax map with the property identified. Include ortho GIS aerial view.
33. Documents provided in paper format and in PDF format.
34. a form for endorsement of Maury County Regional Planning Commission approval of the Preliminary Site Plan which shall read as follows:  
 "Approved by the Maury County Regional Planning Commission, with exceptions or conditions as are indicated in the Minutes of the Maury County Regional Planning Commission on \_\_\_\_\_ (date).  
 Approval shall not constitute final approval of a Building Permit.

# APPENDIX C

## Final Site Plan Requirements

### Uses Other Than One- and Two-Family Detached and Semidetached Dwellings



## Zoning Resolution Maury County, TN

**Final Site Plan Requirements**  
**Uses Other Than One- and Two-Family Detached and Semidetached Dwellings**

General – The Final Site Plan shall be prepared by registered professionals to included surveyor, landscape architect, architect, land planner, or engineer. If the Final Site Plan requires engineering or engineering data then the Final Site Plan and documents must be sealed by a registered engineer. The scale shall be no smaller than two hundred (200) feet to an inch. The Final Site Plan shall be neatly and legibly presented. The sheets shall be numbered in sequence if more than one sheet is used.

Features – The Final Site Plan shall include and require but not be limited to the following:

1. the Name of the proposed project and/or site.
2. the name, address and contact information of the owner(s) of land, the developer if other than the owner.
3. the name, address and contact information of the consultants that were involved in preparing the plan;
4. Surrounding zoning classification (i.e., residential, commercial, industrial, etc.) within the general vicinity of the site.
5. List Deed Book-Page Number for property deed
6. List the Tax Map(s) & Parcel Number(s) the names of all adjoining property owners of record, or the names of adjoining developments;
7. the date and revision date of the plan, approximate true north point, scale
8. the distance of one of the corners of the boundary and the access of the site to the nearest intersection of existing public.
9. The actual shape, location, and dimensions of the tract(s) of land.
10. The shape, size, and location of all existing and proposed structures with square footage of floor area and building heights enumerated.
11. The existing and intended use of the tract(s) and of such structures upon it, including residential activities, and the number of dwelling units that the buildings are intended to accommodate.
12. Topographic features, both existing and proposed, with contours at a vertical interval of two (2) feet. (contours to be field surveyed or taken from aerial photographs not older than 2-years). For aerial photographic contours the control points and coordinates shall be shown. Provide date when control points were set and aerial photo date. Also list the name, address, phone number and contact information for the surveyor and aerial photogrammetry firm
13. Include methods and details for erosion prevention and sediment controls (EPSC). When required by TDEC, a copy of the TDEC construction permit and related documents must be provided. The TDEC Permit Tracking Number is to be added to the Site Plan.
14. Location, dimension and type of surface of all driveways and entrances (including points of access to roads), proposed internal streets, parking spaces, and other amenities as applicable.
15. Position of fences, walls, signs, and screened plantings with dimensions and materials specified.
16. Location of proposed drainage ways and the plan for storm water management. Proposed means of surface drainage, including all drainage ways, stormwater detention facilities and appurtenances. Stormwater design requirements for Site Plans are to be prepared in according with the requirements listed within the Subdivision Regulations.

17. the location of building setback lines;
18. the location of buffer areas and buffer lines
19. Location and width of all easements and rights-of-way both public and private.
20. Location of water bodies, streams, swamps, water wells, railroads, buildings, parks, cemeteries, drainage ditches, sink holes, culverts, bridges, pavement and other pertinent features, as determined by the Maury County Regional Planning Commission;
21. Location of landfills and/or dumps, or any other active/inactive waste disposal sites.
22. The location of areas subject to flooding and the requirements of Section 5.071 of this Resolution as applicable.
23. the limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined necessary by the Maury County Regional Planning Commission; The Maury County Regional Planning Commission will determine if a Flood Study will be required. If a Flood Study is required, with expert assistance, the applicant shall have a report prepared by a Tennessee Registered Civil Engineer, on any proposed site containing or abutting a flood-prone area. Such report shall estimate the discharge of the regulatory flood; determine the specific flooding threat at the site of the proposed site; and indicate whether the site is located in a floodway or floodway fringe area by:
  - (a) calculation of water surface elevations and regulatory flood protections based upon a hydraulic analysis of the capacity of the stream channel and over-bank areas to convey the regulatory flood.
  - (b) Computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one foot at any point.
  - (c) Unless otherwise established or justified, computation of increases in flood heights caused by any encroachment shall be based upon the evaluation and justification by a registered professional engineer's study and report. No increase in flood storage attributable to encroachments on the floodplain of any river or stream shall be permitted in any one reach or for the cumulative effect of several reaches;
24. Location and size of waterlines to serve the site.
25. Provide updated water availability letter from the water utility provider. Provide the Name, address, phone, fax, contact person of the utility provider on the drawing. Failure to provide this item with the submittal application will deem the application incomplete;
26. A notation stating that any septic systems, on-site subsurface disposal fields and appurtenances will be located on the lot or tract served and WILL NOT be located in an easement on another lot or tract.
27. Provide sewer availability letter. For on-site sewage disposal systems provide documentation from TDEC regarding soils availability for the preliminary plat shall be provided. The letter from TDEC must correspond to the Preliminary Plat lot layout. Failure to provide this item with the submittal application will deem the application incomplete. TDEC's letter is to state the capacity that the system is capable of treating.
28. If a proposed project includes an existing lot or existing home as part of property with the intent of utilizing that existing system, the existing on-site sewage disposal system shall be re-evaluated to meet the current standards of the Maury County Regional Planning Commission and TDEC. A written certification from TDEC shall be required and state that the existing system meets current



standards or an action plan to provide an acceptable system on the existing lot. TDEC's letter is to state the capacity that the system is capable of treating.

29. Provide a stream determination letter from TDEC or a consulting biologist. Provide the Name, address, phone, fax, contact person of the TDEC contact or consultant on the drawing. Failure to provide this item with the submittal application will deem the application incomplete;
30. Provide the Name, address, phone, fax, contact person of all overhead utility provider(s) and underground utility providers adjacent to the property and located within the property on the drawing;
31. Site Location Map – The Site Location Map should be drawn to a scale no smaller than 1" = 2,000'. The preference is to use the County tax maps or TDOT county road map. Locate the perimeter of the property on the vicinity map; show the relation of the site to all public ways, railroads, and water courses in all directions to a distance of at least one-half mile
32. The boundaries of the site's property shown to the nearest hundredth of a foot.
33. External roads (access streets or roads in relation to the site.)
34. Be presented neat, legible and with correct spelling
35. Be provided with a USGS topographic map, or copy, with the perimeter of the property identified.
36. Be provided with a copy of the latest county tax map with the property identified. Include ortho GIS aerial view.
37. Documents provided in paper format and in PDF format.
38. a form for endorsement of Maury County Regional Planning Commission approval of the Final Site Plan which shall read as follows:  
"Approved by the Maury County Regional Planning Commission, with exceptions or conditions as are indicated in the Minutes of the Maury County Regional Planning Commission on \_\_\_\_\_ (date).  
Approval shall not constitute final approval of a Building Permit.