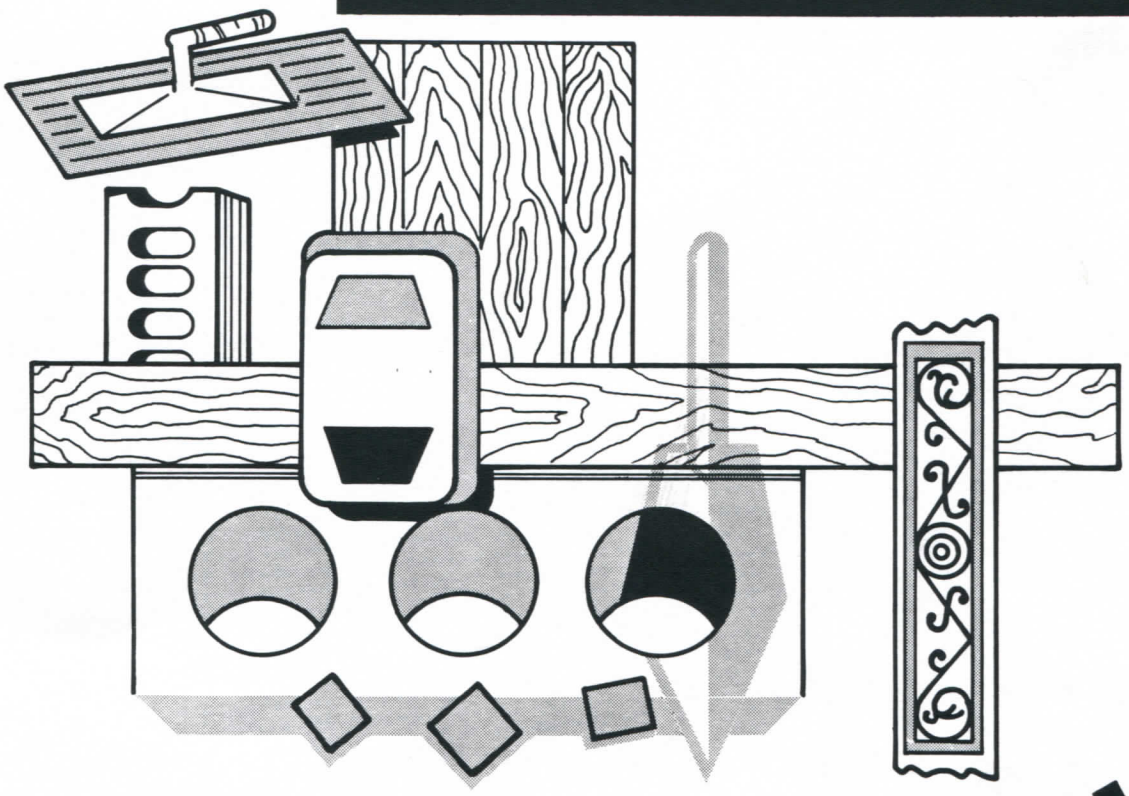
Zoning Resolution



Dickson County, Tennessee

ZONING RESOLUTION

DICKSON COUNTY, TENNESSEE

ZONING RESOLUTION

DICKSON COUNTY, TENNESSEE

ADOPTED

OCTOBER 27, 1988

LAST AMENDED: April 16, 2012

Greater Nashville Regional Council

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AMENDMENTS

DICKSON COUNTY ZONING RESOLUTION

ADOPTED OCTOBER 27, 1988

Amendment 1. Article IV. Section 4.130. Add, Development Standards for Sanitary Landfill.
Adopted March 27, 1989

Amendment 2. Article IV. Section 4.130. Development Standards for Sanitary Landfill or Hazardous Waste Facility (Disposal, Treatment, Storage).
Adopted December 19, 1989

Amendment 3. Article IV, 4.070. A. Add, Spacing of Off Premise Signs.
Adopted May 24, 1990

Amendment 4. Article II and Article IV. A Resolution to amend Article II, Section 2.020, Definitions and Article IV, Section 4.140, Litter, Refuse, Garbage, Junk and Debris Control Regulations.
Adopted July 18, 1991

Amendment 5. Article II, Section 2.020. Add, Definition of a Mobile Home Park.
Adopted May 18, 1992

Amendment 6. Article V. Section 5.043 B. Delete Item 9.
Adopted May 18, 1992

Amendment 7. Article V, New Section 5.044, A, Add a new R-3 District.
Adopted May 18, 1992
Note: The creation of a new R-3 Zone allowing for mobile home parks would be subject to the provisions of Article IV, Section 4.080.

Amendment 8. Article V, Section 5.041, C. Add Item 13, Placement of a second mobile home on a single lot.
Adopted May 18, 1992.

Amendment 9. Article V, Section 5.041, C. Add Item 14. Communication Towers.
Adopted June 23, 1994

Amendment 10. Article IV, Section 4.030. Add, F. Historical Events, Presentation and Historical Related Activities, and G. Special Events.
Adopted June 23, 1994

Amendment 11. Article II, Section 2.020. Add, Definitions to include Public Recreation, Private Recreation, Commercial Recreation, Outdoor Recreation.
Adopted August 18, 1994

Amendment 12. Article III, Section 3.030. Amend, Lot must abut a public street or easement.
Adopted February 23, 1995

Amendment 13. Article II, Section 2.020. Amend, Definitions to include Permanent Easement and Utility Easement.
Adopted February 23, 1995

Amendment 14. Article V, Section 5.041. Delete, Applicable inserts for readability.
Adopted February 23, 1995

Amendment 15. Article VII, Floodplain Zoning District, Amended in its Entirety, by
Resolution No. 2-1995-1, Adopted February 23, 1995

Amendment 16. Article II, Section 2.020, Definitions, by adding:
Cemetery
Family Burial Grounds.
Article V, Section 5.041, A-1, Agricultural Districts", Subsection B, Uses Permitted, by Adding:
15. Family Burial Grounds
Resolution No. 1-1997-3, January 21, 1997

Amendment 17. Article II, Section 2.020, Definitions by adding:
Adult Arcade; Adult Bookstore or Adult Video Store; dult Entertainment; Adult Motion Picture Theater; Adult-Oriented Establishment; Adult Theater or Adult Canaret; Specified Anatomical Areas; Specified Sexual Activities
Article IV, Supplementary Provisions Applying to Specific Districts, is amended by adding:
Section 4.150, Restrictions for Adult-Oriented Business Establishments
Resolution No. 1-1997-4, January 21, 1997

Amendment 18. Article IV, Amended by adding:
Section 4.160, General Requirements for Individual Manufactured Homes
Resolution No. 1-1998-3, January 22, 1998

Amendment 19. Article V, Subsection 5.046, B, 1, Amended by adding:
i. Warehousing facilities
Resolution No. 1-1998-4, January 22, 1998

Amendment 20. Article V, Subsection 5.047, B, Amended by adding:
15. Warehousing facilities
Resolution No. 1-1998-5, January 22, 1998

Amendment 21. Article II, Definitions, Amended by adding:
Alternative Tower Structure; Antennas; FAA; FCC; Governing Authority; Height; Tower
Article IV, Amended by adding an entire new Section 4.170:
Section 4.170, Standards for Telecommunication and Antennas and Towers
Resolution No. 3-1998-9, March 19, 1998

Amendment 22. Article IV, Section 4.040, Customary Incidental Home Occupations, Amended by adding:
A. Accessory-Agricultural Occupations
Article VIII, 8.060, Procedure for Authorizing Special Exceptions, Amended by adding:
C. Special Conditions for Accessory-Agricultural Occupations, Adding 1-8, under C
Resolution No. 3-1998-10, March 19, 1998

Amendment 23. Article V, Subsection 5.046, C, 3, Deleted; and Amended by adding to Subsection 5.047, C,

14. Adult Oriented Business Establishments

Resolution No. 2-1999-7, February 18, 1999

Amendment 24. Article II, Section 2.020, Definitions, Amended by Adding:

Child Care and Child Care Facilities

Article II, Section 2.020, Definitions, Amended by Deleting:

Day Nursery

Article V, Section 5.041, Subsection C, Uses Permitted as a Special Exceptions, Amended by Adding 15, 16, 17, and 18:

15. Family Child Care Homes.
16. Group Child Care Homes.
17. Day Care Centers.
18 Group Child Care Homes and Day Care Centers that are secondary to Churches or Educational Institutions.

Article V, Section 5.041, Subsection E, 4, Amended by Adding, a:

a. Day Care Centers shall have a minimum lot size fo two (2) acres. The size of the Day Care Center sgall be limited to twelve (12) childred per acre.

Article V, Section 5.042, Subsection B, Uses Permitted, Amended by Adding, 3:

3. Child Care Homes and Day Care Centers as part of a Planned Unit Development.

Article V, Section 5.042, Subsection C, Uses Permitted as a Special Exceptions, Amended by Adding 10 and 11:

10. Family Child Care Homes.
11. Group Child Care Homes and Day Care Centers that are Secondary to Churches or Educational Institutions.

Article V, Section 5.043, Subsection B, Uses Permitted, Amended by Adding, 9:

9. Child Care Homes and Day Care Centers as part of a Planned Unit Development.

Article V, Section 5.043, Subsection C, Uses Permitted as Special Exceptions, Amended by Adding 7, 8:

7. Family Child Care Homes.
8. Group Child Care Homes and Day Care Centers that are Secondary to Churches or Educational Instutions.

Article V, Section 5.044, Subsection B, Uses Permitted, Amended by Adding, 10:

10. Child Care Homes and Day Care Centers as part of a Planned Unit Development.

Article V, Section 5.044, Subsection C, Uses Permitted as Special Exceptions, Amended by Adding, 7, 8:

7. Family Child Care Homes.
8. Group Child Care Homes and Day Care Centers that are Secondary to Churches, Educational Institutions, Apartments, and Group Housing.

Article V, Section 5.045, Subsection B, Uses Permitted, Amended by Adding, 12:

12. Day Care Centers and Drop in Centers.

Article V, Section 5.045, Subsection B, Uses Permitted, Amended by Adding, 16:

16. Day Care Centers and Drop in Centers

Resolution No. 1-2002-1, January 22, 2002

Article V, Section 5.047, Subsection C, Uses Permitted as Special Exceptions, Amended by Adding, 14:

14. Group Child Care Homes and Day Care Centers provided that they are for the primary uses of the industrial establishment in which they are located.

Resolution No. 1-2002-1, January 22, 2002

Amendment 25. Article IV, Added Section 4.041, Type II, Home Occupations.
Resolution No. 5-2001-10, May 21, 2001

Amendment 26. Article II, Deleted F, Town House, Under Definition of Dwelling, and Replaced.
Amended by Resolution No. 12-2002-1, December 15, 2003

Article II, Section 2.020, Definitions, Added: Actual Construction; Common Open Space; Dwelling, Detached; Dwelling, Semi-Detached; Environmental Open Space; Landholder; Private Use Open Space; Recreational Open Space; Restricted Use Open Space and ***Amended*** Town House.
Amended by Resolution No. 12-2002-1, December 15, 2003

Article V, Added: Section 5.048, Residential Planned Unit Development District.
Amended by Resolution No. 12-2002-1, December 15, 2003

Amendment 27. Article II, Section 2.020, Definitions, Deleted: Convenience Sales, Convenience Services, Professional Office.
Deleted by Resolution No. 05-2005-1, March 21, 2005

Article II, Section 2.020, Definitions, Added: Agricultural Processing, Bed and Breakfast, Convenience Commercial, Educational Institutions, Educational Services, Essential Utilities, Family, Fishery, Forestry Activities, Government Services, Hatchery, Kennel, Medical Facilities, Mining Activities, Professional Offices, Riding Stables, Secondary Utilities, Veterinary Clinic, Veterinary Hospital. **Added by Resolution No. 05-2005-1, March 21, 2005**

Article IV, Section 4.180, Standards for Bed and Breakfast Establishment.
Added by Resolution No. 05-2005-1, March 21, 2005

Article IV, Section 4.190, Standards for Commercial Feed Lots, Fisheries, and Hatcheries.
Added by Resolution No. 05-2005-1, March 21, 2005

Article IV, Section 4.200, Special Requirements for Riding Stables.
Added by Resolution No. 05-2005-1, March 21, 2005

Article V, Zoning Districts, Deleted: Existing Text and Replaced with New Text.
Added by Resolution No. 05-2005-1, March 21, 2005

Amendment 28. Article II, Section 2.020, Definitions, Deleted: Convenience Sales, Convenience Services, Professional Office.
Deleted by Resolution No. 05-2005-1, May 16, 2005

Amendment 28**.** Article II, Section 2.020, Definitions, Added: Agricultural Processing, Bed and Breakfast, Convenience Commercial, Educational Institutions, Educational Services, Essential Utilities, Family, Fishery, Forestry Activities, Government Services, Hatchery, Kennel, Medical Facilities, Mining Activities, Professional Offices, Riding Stables, Secondary Utilities, Veterinary Clinic, Veterinary Hospital. **Added by Resolution No. 05-2005-1, May 16, 2005**

Article IV, Section 4.180, Standards for Bed and Breakfast Establishment.
Added by Resolution No. 05-2005-1, May 16, 2005

Article IV, Section 4.190, Standards for Commercial Feed Lots, Fisheries, and Hatcheries.
Added by Resolution No. 05-2005-1, May 16, 2005

Article IV, Add Section 4.200, Special Requirements for Riding Stables.
Added by Resolution No. 05-2005-1, May 16, 2005

Article V, Zoning Districts, Deleted: Existing Text and Replaced with New Text.
Added by Resolution No. 05-2005-1, May 16, 2005

Amendment 29. Article IV, Added Text of Section 4.300, Rules and Regulations of Water Wells and Use of Springs.
(Added by Resolution No. 1-2007-1, January 16, 2007)

Amendment 30. Article II, Section 2.020, Definitions, Add, Impervious Area
(**Added by Resolution 1-2008-5, January 22, 2008)**

Article III, Deleted Text of Section 3.110, Buffer Strips, and Replaced with New Text of Section 3.110, Landscaping and Buffer Strips.
(**Deleted and Replaced by Resolution 1-2008-5, January 22, 2008)**

Article III, Deleted Text of Section 3.120, Plot Plan Requirements, and Replaced with New Text of Section 3.120, Site Plan Requirements.
(**Deleted and Replaced by Resolution 1-2008-5, January 22, 2008)**

Article III, Added Section 3.140, Outdoor Site Lighting Standards.
(**Added by Resolution 1-2008-5, January 22, 2008)**

Article IV, Deleted Text of Subsection 4.015, Requirements for Design of Parking Lots, and Replaced with New Text of Section 4.015, Requirements for Design of Parking Lots.
(**Deleted and Replaced by Resolution 1-2008-5, January 22, 2008)**

Article IV, Added Subsection 4.016, Queuing Requirements for Drive-Through Facilities.
(**Added by Resolution 1-2008-5, January 22, 2008)**

Article IV, Added Section 4.210, Drainage and Storm Sewers.
(**Added by Resolution 1-2008-5, January 22, 2008)**

Amendment 31	Article VII, Floodplain Zoning District, deleted and replaced with new text. **(Added by Resolution 8-2009-1, August 17, 2009)**
Amendment 32	Article II, Section 2.020, definition of Junk Yard or Salvage Yard, be deleted, and added new definitions, Automobile Wrecking; Junk; Junkyard; Metals Recycling Facility; Recycling Center; and Scrap Vehicle. **(Added by Resolution 3-2010-3, March 15, 2010)**
	Article V, Subsection 5.046, Subpart C, added number 6, Recycling Center. **(Added by Resolution 3-2010-3, March 15, 2010)**
	Article V, Subsection 5.047, Subpart C, Added Number 2, Automobile Wrecking; and 3, Junkyards. **(Added by Resolution 3-2010-3, March 15, 2010)**
	Article V, Subsection 5.047, Subpart C, added number 17. **(Added by Resolution 3-2010-3, March 15, 2010)**
Amendment 33	Article VII, Section 7.020, addition of new definitions. **(Added by Resolution 9-2011-3, September 19, 2011)**
Amendment 34	Article IV, Section 4.300, deleted section in its entirety and replaced with new language **(Added by Resolution 11-2011-1, November 25, 2011)**
Amendment 35	Article VI, Section 6.020 (C), deleted subsection in its entirety and replaced with new language **(Added by Resolution 04-2012-5, April 16, 2012)**

ARTICLE I

ENACTMENT

SECTION

1.010 Authority
1.020 Title
1.030 Enactment
1.040 Purpose

1.010 AUTHORITY

A resolution, in pursuance of the authority granted by Sections 13-7-101 through 13-7-401, ***Tennessee Code***, to regulate in the portions of Dickson County, Tennessee, which lie outside of municipal corporations, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the use of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding; to provide methods of administration of this resolution, and to prescribe penalties for the violation thereof.

1.020 TITLE

This resolution shall be known as the Zoning Resolution of Dickson County, Tennessee, dated, **October 27, 1988**. The Zoning Map shall be referred to as the Official Zoning Map of Dickson County, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this resolution.

1.030 ENACTMENT

WHEREAS, Section 13-7-101 through 13-7-401, of the ***Tennessee Code,*** empowers the County to enact a Zoning Resolution and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Dickson County Commission deems it necessary for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the County to enact such a resolution, and

WHEREAS, all requirements of Section 13-7-101 through 13-7-401, of the ***Tennessee Code***, *w*ith regard to the preparation of the Zoning Plan by the Dickson County Regional Planning Commission and subsequent action of the Dickson County Commission and have been met.

NOW, THEREFORE, Be It Enacted by The County Commission of Dickson County, Tennessee, as follows:

1.040 PURPOSE

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

A. enhancing the character and stability of agricultural, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;

B. preventing overcrowding of land;

C. conserving the value of land and buildings;

D. minimizing traffic hazards and congestion;

E. preventing undue concentration of population;

F. providing for adequate light, air, privacy, and sanitation;

G. reducing hazards from fire, flood, toxic materials, and other dangers;

H. assisting the economic provision, utilization, and expansion of all services provided by the public, including, but not limited to, roads, water and sewer service, recreation, schools and emergency services;

I. encouraging the most appropriate use of land;

J. enhancing the natural, man-made and historical amenities of Dickson County, Tennessee.

ARTICLE II

DEFINITIONS

SECTION

2.010 Scope
2.020 Definitions

2.010 SCOPE

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

A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

C. The word "shall" is mandatory.

D. The word "may" is permissive.

E. The words "uses" or "occupied" includes the words "intended", "designed", "arranged to be used", or "occupied".

F. The word "lot" includes the words "plat" or "parcel".

2.020 DEFINITIONS

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 their standard dictionary definition or such as the context may imply. Definitions pertaining to flood hazards are contained in the Floodplain Zoning Resolution, adopted **June 15, 1984**, as amended.

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

Accessory Buildings - A subordinate building, the use of which is incidental to that of the principal building and located on the same lot therewith.

Accessory Use - A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Actual Construction - The excavation of a site and/or the placement of building materials in conjunction with the construction of a building or other structure. **(Added by Resolution 12-2003-1, December 15, 2003)**

Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting, describing of "Specific Sexual Activities" or "Specified Anatomical Areas". (**Added by Resolution 1-1997-4, January 21, 1997)**

Adult Bookstore or Adult Video Store - An establishment having as its principal business purpose the sale or rental of books, films, video cassettes or any other kind of video tape or any other form of electronic media, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as below. **(Added by Resolution 1-1997-4, January 21, 1997)**

Adult Entertainment - Any exhibition of any adult-oriented motion picture, live performance display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of "Specified Sexual Activities", including removal of articles of clothing or appearing unclothed. **(Added by Resolution 1-1997-4, January 21, 1997)**

Adult Motion Picture Theater - An enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined, for observation by patrons, therein. **(Added by Resolution 1-1997-4, January 21, 1997)**

Adult-Oriented Establishment - Includes, but is not limited to, Adult Bookstores or Adult Video Stores, Adult Motion Picture Theaters, Adult Arcades, Adult Theaters or Cabarets, and further means any premises to which the public or members of the public are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An Adult-Oriented Establishment further includes, without being limited to, any adult entertainment studio or any premises physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import. **(Added by Resolution 1-1997-4, January 21, 1997)**

Adult Theater or Adult Cabaret - A theater, nightclub, club, bar, restaurant or similar commercial establishment which regularly features: **(Added by Resolution 1-1997-4, January 21, 1997)**

A. Live performances, displays, or dances which have as their dominant theme or are distinguished or characterized by an emphasis on any actual or simulated "Specified Sexual Activities" or "Specified Anatomical Areas", or the removal of articles of clothing or appearing partially or totally nude, or **(Added by Resolution 1-1997-4, January 21, 1997)**

B. Films, motion pictures, video cassettes, slides, or other video or photographic reproductions which are characterized by the depiction of "Specified Sexual Activities" or "Specified Anatomical Areas". **(Added by Resolution 1-1997-4, January 21, 1997)**

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, roofboard, frames, supports, fences, or other manmade structures, and any such advertising is a structure within the meaning of the work "structure" as utilized in this resolution.

Advertising Sign or Structure - See Sign.

Agricultural 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 Dickson County, Tennessee, 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 furbearing 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 Processing - A building, facility, or area either open or closed or any location for the refinement, treatment, or conversion of agricultural products where physical, chemical, or similar change of an agriculture product occur. Examples of agricultural processing include fruit dehydrators, cold storage, hulling, sorting, smoking, cleaning, packing or storage of agricultural products for sale or shipment in their natural form. Agricultural Processing does not include commercial canneries, bakeries, breweries, or manufacturing of secondary products using agricultural products. **(Added by Resolution 05-2005-1, May 16, 2005)**

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

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

Alternative Tower Structure – Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. **(Added by Resolution 3-1998-9, March 19, 1998)**

Antennas – Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves. **(Added by Resolution 3-1998-9, March 19, 1998)**

Apartment Dwelling - See "Dwelling", C.

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

Automobile Wrecking - Any lot or place that is exposed to the weather where five or more motor vehicles of any kind that are inoperable and not currently licensed. Automobile Wrecking includes the selling of parts and the incidental crushing of cars to create a Scrap Vehicle. **(Added by Resolution, 3-2010-3, March 15, 2010)**

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 of when subdivided and used for commercial activities.

Bed and Breakfast - A bed and breakfast establishment means a private home, inn or other unique residential facility offering at least one daily meal and having no more than twelve (12) guest rooms furnished for pay with guests staying no more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately next to it. **(Added by Resolution 05-2005-1, May 16, 2005)**

Board - The Dickson County, Tennessee Board of Zoning Appeals.

Boarding House - See "Dwelling", E.

Buffer Strip - A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet or some other form of an aesthetically designed buffer that will conceal from view an adjoining lot or district.

Buildings - 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 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 no building or other structure 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 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.

Business and Communication Services - The provision of services of clerical, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books, other than pamphlets, and small reports.

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.

Cemetery - Any land or structure dedicated to and used, or intended to be used, for interment of human remains. Cemetery refers to all types of cemeteries, public or private, except family burial grounds. **(Added by Resolution 1-1997-3, January 21, 1997)**

Certificate of Occupancy - A written statement or certificate issued by the Planning Director indicating that the land, structure or part thereof is found to be in conformity with the provisions of this resolution.

Child Care - the provision of supervision and protection of the basic needs of at least five (5) children who are not related to the primary care givers for at least three (3) hours per day but less than twenty-four (24) hours per day. **(Added by Resolution 1-2002-1, January 22, 2002)**

Child Care Facilities – A Child Care Facility that is licensed by the Department of Children's Services of the State of Tennessee as categorized below. Programs and facilities exempt from licensing as per Tennessee Code, Section 71-3-503, shall be permitted provided that they are secondary to a facility that is an allowable use. **(Added Child Care Facilities and A-D, by Resolution 1-2002-1, January 22, 2002)**

A. **Day Care Center**: A facility that provides child care for thirteen (13) or more children. Children aged thirteen (13) or older who are related to the primary care giver are not included in the total provided that the facility is the occupied residence of the primary care giver.

B. **Drop in Center**: Is a place or facility that provides casual care for children who are not regularly enrolled at the facility. Such facility shall be operated in connection with a business establishment, recreational facility, or similar activity where children are cared for during short periods of time not to exceed ten (10) hours per week and for no more than six (6) hours each day for any individual child, while the parents are engaged in short term activities such as shopping, recreation, but not including employment.

C. **Family Child Care Home**: A facility that provides child care for at least five (5) children but less than eight (8). Children aged thirteen (13) or older who are related to the primary care giver are not included. The place or facility must be in the occupied residence of the license applicant (primary care giver).

D. **Group Child Care Home**: Facility that provides child care for at least eight (8) children but less than thirteen (13) children; provided, that up to three (3) additional school aged children may receive care before and after school, on school holidays, on school snow days, and during summer vacation. Children aged thirteen (13) or older who are related to the primary care giver are not included in the total provided that the facility is the occupied residence of the primary care giver.

Clinic - See Medical Facilities.

Cluster Housing Development - A development whereby open space is preserved by permitting a subdivider to develop smaller lots than specified in the zoning district, coupled with the requirement that the land saved be reserved for permanent open space. The number of units allowable shall be based upon total acreage of the tract to be developed, including the area reserved for open space.

Commercial Feed Lot - Business of feeding or fattening livestock for slaughter in a confinement facility designed or used to feed or fatten more than two hundred (200) head of cattle or one thousand (1,000) head of swine within one year of time.

Common Open Space - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development. **(Added by Resolution 12-2003-1, December 15, 2003)**

Condominium - A form of ownership which provides single ownership in a multi-unit structure or structures with common elements.

Convenience Commercial - Includes barber and beauty shops, drug stores, fruit and vegetable markets, grocery stores, hardware stores (having no outside storage), laundromats, dry cleaning, newsstands, tobacco shops, self serve gasoline pumps, sporting goods, and jewelry stores; provided that above use has a gross floor space of five thousand (5, 000) square feet or less. **(Added by Resolution 05-2005-1, May 16, 2005)**

Coverage - The lot area covered by all buildings located therein, including the area covered by all overhang roofs.

Country Club - A chartered, non-profit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities; golf, riding, clubhouse, pool, dining facilities or lounge.

County Commission - The elected legislative body of Dickson County.

Development - Any manmade 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, for example, plowing, fencing, cultivating and gardening activities, are not included in this definition of development.

Development Permit - Defined as a permit issued by the Planning Director for a proposed use of land or structure, or the alteration of land or a structure, or the location or erection of a structure after having been found to be in conformity with the provisions of the Zoning Resolution of Dickson County, Tennessee.

District - Any section or sections of the area lying within Dickson County, Tennessee, but outside the corporate limits of any municipality for which the resolution governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

Duplex Dwelling - See " Dwelling", B.

Dwelling - A building or part thereof used for 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 by three (3) or more households, each of which has separate living quarters.

D. **Rooming House** - Means a dwelling or other residential structure in which lodging facilities are supplied for people over an extended period of time and distinguished from a tourist home.

E. **Boarding House** - Means a building other than a hotel or motel where, for compensation and arrangement, meals and lodging are provided for three (3) or more persons, but not exceeding twenty (20) persons.

F. **Town House** - A one-family dwelling unit, with a private entrance, which is part of a structure of three (3) or more dwelling units that are attached horizontally in a linear arrangement, and having exposed front and rear walls to be used for access, light, and ventilation. (Same as an attached structure.) **(Amended by Resolution 12-2003-1, December 15, 2003)**

G. **Multi-Family** - Means more than one (1) dwelling unit per structure.

H. **Group Housing Development** - See "Group Housing Development".

I. **Cluster Residential Development** - See "Cluster Residential Development".

J. **Prefabricated Dwelling** - Means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to public or on-site systems, and permanently connected to such systems. Such structures are distinguished form mobile homes as described elsewhere in this resolution when they have a minimum gross floor area 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.

K. **Mobile Home or Trailer** - Means a transportable structure built on a permanent chassis, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are mot included in this definition of a mobile home.

Dwelling, Attached - A one-family dwelling unit, with a private entrance, which is part of a structure of three or more dwelling units that are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. (Same as a town house.) **(Added by Resolution 12-2003-1, December 15, 2003)**

Dwelling, Detached - A building located upon one (1) lot containing not more than two (2) dwelling units, separated from structures on the same or adjacent lots. May be further defined as one-family detached or two-family detached. **(Added by Resolution 12-2003-1, December 15, 2003)**

Dwelling, Semi-Detached – A building containing two (2) adjacent dwelling units that share a common wall at the lot line and that is separated from other structures. **(Added by Resolution 12-2003-1, December 15, 2003)**

Educational Institutions - **(Added by Resolution 05-2005-1, May 16, 2005)**

Public and Private Nursery Schools
Kindergarten, Primary and Secondary Schools

Educational Services - Any public or private school offering educational instruction for the purposes of academic, trade, or recreation. Examples include driving schools, dance studies, art, cosmetology, welding, or tutoring services and other similar instruction of four (4) or more students at a time. **(Added by Resolution 05-2005-1, May 16, 2005)**

Environmental Open Space - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for protection of the natural landscape or certain specified resources. **(Added by Resolution 12-2003-1, December 15, 2003)**

Essential Utilities - Those utilities that are essential in providing service to the immediate area or locality including electrical and gas substations; gas, water, and sewer distribution lines; utility and communications towers; pumping facilities for water and sewer systems, telephone switching facilities; or other similar uses. **(Added by Resolution 05-2005-1, May 16, 2005)**

FAA – Federal Aviation Administration. **(Added by Resolution 3-1998-9, March 19, 1998)**

Family - One of the Following: **(Deleted and Replaced by Resolution 05-2005-1, May 16, 2005)**

(A) One or more persons related by genetics, marriage (as recognized by the State of Tennessee) or adoption occupying a dwelling unit and living as a single independent, nonprofit housekeeping unit, together with incidental servants and temporary non paying guests.

(B) A group of not more than five (5) unrelated persons living together as a single nonprofit housekeeping unit and thus sharing expenses such as rent and utilities or other maintenance duties or expenses as opposed to from a group occupying a boarding or lodging house or other similar dwelling or group use.

(C) A group of unrelated handicapped persons as defined Title VIII, of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, occupying a single dwelling unit and living as a nonprofit housekeeping unit provided such facility is owned or operated by a "not for profit" association as per the Federal Code and is licensed by the State of Tennessee.

Family Burial Grounds - A zoned lot in private ownership which may contain one or more sites used or intended to be used, for interment of human remains, for the benefit of the owners of the lot or their immediate family members. **(Added by Resolution 1-1997-3, January 21, 1997)**

FCC – Federal Communications Commission. **(Added by Resolution 3-1998-9, March 19, 1998)**

Financial, Consulting and Administrative - Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired

activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this resolution.

Fishery - A privately owned site where five thousand (5,000) pounds of fish per year are raised for commercial sale. **(Added by Resolution 05-2005-1, May 16, 2005)**

Floor Area - The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

Forestry Activities - Activities conducted on or directly pertaining to forest land relating to the growing, management, harvesting, and interim storage of merchantable timber for commercial sale. **(Added by Resolution 05-2005-1, May 16, 2005)**

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

Garbage - Food waste, animal waste, dead or decomposing animal matter, and dead or decomposing vegetable matter, and any dead or decomposing matter whether or not it originally constituted human or animal food. **(Added by Resolution, July 18, 1991)**

Gasoline Service Station - Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but not butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or other wise servicing automobiles, but not including painting or major repair.

Governing Authority – Governing authority of the County. **(Added by Resolution 3-1998-9, March 19, 1998)**

Government Services - A building, structure, or area owned or operated by a Federal, State, Municipal, or Dickson County governmental agency used for the purposes of providing a governmental service. This does not include proprietary functions such as speculative industrial buildings, buildings used for retail trade or spaces rented to private parties. **(Added by Resolution 05-2005-1, May 16, 2005)**

Grade, Finished - The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Group Housing Development - Two (2) or more dwellings located on the same tract in one ownership and constructed as a planned development.

Hatchery - A site where the hatching or raising of more than five thousand (5,000) head of poultry within one (1) year in a confined area. **(Added by Resolution 05-2005-1, May 16, 2005)**

Health Department - The Dickson County Health Department.

Height – When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna. **(Added by Resolution 3-1998-9, March 19, 1998)**

Height of Buildings or Structures - The vertical distance from the average ground elevation or finished grade at the building line, to the highest point of the building or structure.

Home Occupation - See Section 4.040.

Hospital - See Medical Facilities.

Impervious Area - The area of a site covered by man made construction that seals the soil surface and thus eliminates or greatly reduces rainwater infiltration and natural groudwater recharge. Included in this area shall be all buildings, paved surfaces, areas of compaced gravel or stone, or any other similar construction not allowing rainwater to readily pass into the ground. **(Added by Resolution 1-2008-5, January 22, 2008)**

Junk - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts of junked, dismantled or wrecked automobiles, iron, steel, and other old or scrap ferrous or nonferrous material. **(Added by Resolution, 3-2010-3, March 15, 2010)**

Junk Motor Vehicle - Any automobile, motor vehicle or the metal scraps and remains of the foregoing items, which are incapable of being operated and which it would not be economically practical to make operative and which are not fully placed or located within and fully surrounded by a substantial and durable building. The term shall not include items on the premises or establishment constituting automobile graveyards within the meaning of Tennessee Code, Section 54-20-201, et. seq., or establishments having facilities for processing scrap metal.

Junkyard- means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk. "Junkyard" includes scrap metal processors, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation. **(Added by Resolution, 3-2010-3, March 15, 2010)**

Kennel - Any premises, except where accessory to an agricultural use, where four or more adult domestic animals (such as dogs and cats) not owned by the occupant of the premises are kept, boarded, bred, or trained for commercial purposes. **(Added by Resolution 05-2005-1, May 16, 2005)**

Landholder - The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this resolution. **(Added by Resolution 12-2003-1, December 15, 2003)**

Light Industry - Is defined, for the purpose of this resolution, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat, and of the creation of hazards to health and life by reason of fire, effects of industrial waste, psychological effects and generation of motor vehicle traffic.

Litter - Particles of items of trash, rubbish, wastepaper, or garbage lying or scattered about. **(Added by Resolution, July 18, 1991)**

Loading Space - An area ten (10) feet by fifty (50) 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.

Lot, Area - The total surface land area included within the lot lines.

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

Lot, Depth - The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot, Frontage - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior - A lot other than a corner lot.

Lot, Lines - The boundary dividing a given lot from the street, and 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 prior to the effective date of this zoning resolution.

Lot Width - The width of a lot at the building setback line measured at right angles to its depth.

Marina - A facility for the docking and servicing of boats.

Medical Facilities: **(Deleted and Replaced by Resolution 05-2005-1, May 16, 2005)**

Centers for Observation or Rehabilitation -

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

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

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

Metals Recycling Facility - Any lot or place where a business that is predominantly engaged in performing the process by which scrap, used or obsolete ferrous or nonferrous metals are converted into raw materials consisting of proper grades and having an existing or potential economic value. **(Added by Resolution, 3-2010-3, March 15, 2010)**

Minimum Floor Elevation - The lowest elevation permissible for construction, erection or other placement of any floor, including a basement floor.

Mining Activities - Includes facilities to crush, classify, separate or otherwise treat rock, ore, minerals extracted from the ground. **(Added by Resolution 05-2005-1, May 16, 2005)**

Mobile Home - See "Dwelling", K.

Mobile Home Park - A place or tract of land not subdivided upon which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located. **(Added by Resolution, May 18, 1992)**

Multi-Family Dwelling - See "Dwelling", G.

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.

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 a duly authorized agent or attorney, a purchaser, devisee, fiduciary, and person, having a vested interest in the property in question.

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

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

Permanent Easement - The right granted by the owner of land to another party by deed or prescription, to allow vehicular access across one parcel of land to another. **(Added by Resolution, February 23, 1995)**

Planned Development - A single planned area of land which (1) has both individual building sites and common property such as a park, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property. The ownership of the common property may be either public or private.

Planned Subdivision - See "Planned Development".

Planned Unit Development - As used herein, planned unit development, "PUD", shall mean interrelated development adhering to a master development plan and located on a contiguous tract of land. Lands which are divided by streets, roads, highways, transmission pipes, lines or conduits, or rights-of-way (in fee or by easement) shall be deemed to be contiguous for purposes of this resolution.

Planned Shopping Center - A group of compatible commercial establishments planned, developed, and managed as a unit, with a parking area provided on the property. The center must also be related in location, size and type of shops to its trade area.

Planning Commission - The Dickson County Regional Planning Commission.

Plat - A map, plan, or layout indicating the location and boundaries of individual properties.

Prefabricated Dwellings - See "Dwelling", J.

Principal Use - The specific primary purpose for which land or a building is used.

Private Use Open Space - Open areas located upon a lot and held for the exclusive use and enjoyment of owner(s) of such property. **(Added by Resolution 12-2003-1, December 15, 2003)**

Private Wastewater Treatment - Individual subsurface sewage disposal system (i.e. septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of waste water, as approved by the local Health Department.

Professional Offices - Professional Offices includes accounting, auditing, bookkeeping, attorneys, chiropractors, artists, consultants, dental offices, dental labs, research services, engineering, architects, surveyors, optometrists, outpatient physician offices, physiologists, psychotherapists (psychologists and psychiatrists), music arrangers and songwriters, writers and lecturers, insurance agents, real estate agents, bankers and banks, and financial analysts. **(Deleted and Replaced by Resolution 05-2005-1)**

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

Public Wastewater System - A municipal or county, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Environment and Conservation.

Public Water - A municipal or county, community or utility district water treatment and distribution system of a type approved by the State Department of Environment and Conservation.

Recreation: **(Added Definitions to Include the Following: (Added by Resolution, August 18, 1994)**

Public Recreation - A recreational facility operated by a local, state or federal agency. Example: Federal, state and local parks.

Admittance - Open to the general public.

Requirement - Must comply with all local zoning codes and applicable building codes.

Where Allowed - In an A-1, Zoned District as Uses Permitted.

Private Recreation - A recreational facility operated by a nongovernmental entity. Example: But not limited to: golf courses, private clubs, civic and community clubhouses, etc.

Admittance - Can be restricted by operator.

Requirement - Must comply with all local zoning and building codes and must have a special exception granted by the Dickson County Board of Zoning Appeals for the requested use in accordance with Section 8.060, Criteria for Review.

Where Allowed - In an A-1, Zoned District as Uses Permitted by Special Exception.

Commercial Recreation - A public or private recreational facility located in a C-2 Zoned District. Example: But not limited to: game rooms, dance halls, concert halls, etc.

Admittance - May be open to the general public or admittance may be restricted by operator.

Requirement - Must comply with all local zoning and building codes.

Where Allowed - In a C-2, Zoned District as Uses Permitted.

Outdoor Recreation - Recreational activities associated with rural farm life styles. Example: but not limited to: animal trail rides, wagon trains, wagon hay rides.

Admittance - Can be restricted by operator.

Purpose - To allow for farm related commercial recreation in an A-1 Zoned District.

Requirements - Must meet all local health and safety regulations.

Where Allowed - In an A-1, District by temporary permit by the Building Official. Such permit shall be in effect for a period of not to exceed fifteen (15) consecutive days.

Recreational Open Space - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, active or passive recreational use or enjoyment of the occupants of said development. **(Added by Resolution 12-2003-1, December 15, 2003)**

Recycling Center - means an establishment, place of business, facility or building that is maintained, operated, or used for the storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting those items into a usable product. **(Added by Resolution, 3-2010-3, March 15, 2010)**

Refuse - All items constituting garbage, litter, and rubbish. **(Added July 18, 1991)**

Restricted Use Open Space - Open areas located within a planned unit development that are held in some form of common ownership and restricted to use only as vegetative buffers, or other forms of environmental protection. These areas may include floodplains, steep slopes or other environmentally sensitive lands. **(Added by Resolution 12-2003-1, December 15, 2003)**

Riding Stables - An establishment where horses are boarded and cared for and/or where they may be rented. This includes any location where instruction in riding, jumping, or showing is offered in a commercial capacity. **(Added by Resolution 05-2005-1, May 16, 2005)**

Right-of-Way Line - That line surveyed or approved by appropriate governmental authority as the outer boundary of a street. Such line is identical to or contiguous with any property line abutting a street, and is often referred to as "street line".

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.

Rooming House - See "Dwelling", D.

Rubbish - Useless, rejected, or abandoned waste, waste matter, trash, junk, debris, and fragments of buildings, masonry or wood.

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

Scrap Vehicle - Any motor vehicle that has been crushed, flattened or dismantled or that has been otherwise damaged to the extent that it cannot be economically repaired. **(Added by Resolution, 3-2010-3, March 15, 2010)**

Secondary Utilities - includes water storage facilities; radio, TV, and other communications towers. **(Added by Resolution 05-2005-1, May 16, 2005)**

Shelter, Fall-Out - A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

Shopping Center - See "Planned Shopping Center".

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.

> **Business Sign** - A sign which directs attention to the business or profession conducted on the premises.
>
> **Advertising Sign** - A sign which directs attention to a business commodity, services or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises if at all.
>
> **Billboard** - A structure on which is portrayed information not necessarily related to other uses permitted on the zoned lot upon which the structure is located, but not including painted walls.
>
> **Flashing Sign** - Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that the revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.
>
> **Ground Sign** - A sign supported by a pole, uprights, or braces on the ground.
>
> **Illuminated Sign** - A sign designed to give forth any artificial light or reflect such light from an artificial source.
>
> **Indirect Illuminated Sign** - Any illuminated non-flashing sign whose illumination is derived entirely from an external source and is so arranged that no direct rays of light are projected from such artificial source into residences or streets.

Off-Premises Sign - A sign relating to a product, services, or establishment that is not on the premises on which the sign is located.

Pole Sign or Banjo Sign - A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

Wall or Flat Sign - Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.

Roof Sign - A detached sign supported upon the rood or wall of a building.

Marquee Sign - A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.

Temporary Sign - Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

Specified Anatomical Areas - Means: **(Added by Resolution 1-1997-4, January 21, 1997)**

A. Less than completely and opaquely covered:

1. Human Genitals;

2. Pubic Region;

3. Buttocks;

4. Female breasts below a point immediately above the top of the areola;

B. Human male genitals in a discernible turgid state, even if completely opaquely covered.

Specified Sexual Activities - Means: **(Added by Resolution 1-1997-4, January 21, 1997)**

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy; or

3. Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

Single Detached Dwelling - See "Dwelling", A.

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

Structure - Any combination of materials, including buildings, constructed or erected, the use of which requires 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 parts or parcels.

Substantial Improvement - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the assessed value of the structure, either: (1) before the improvement or repair; or (2) before the damage occurred. For the purposes of this resolution, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not this alteration affects the external dimensions of the structure. The term does not, however, include, either: (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure 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.

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. **(Added by Resolution 3-1998-9, March 19, 1998)**

Town House - A one-family dwelling unit, with a private entrance, which is part of a structure of three (3) or more dwelling units that are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. **(Amended by Resolution 12-2003-1, December 15, 2003)**

Toxic Materials - Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms by chemical reaction or detrimental effects upon the social, economic or psychological well being of individuals even when present in relatively small amounts.

Travel Trailer - A vehicular, portable structure designed as a temporary dwelling for travel, recreation and vacation uses.

Travel Trailer Park - A plot of land designed and equipped to accommodate travel trailers for short periods of time.

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

Utility Easement - The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easement shall include, but is not limited to, easement for storm drainage, water lines, electric power lines and pipelines. **(Added February 23, 1995)**

Veterinary Clinic - A veterinary office or animal clinic means a facility in which a licensed veterinarian conducts an out-patient facility. **(Added by Resolution 05-2005-1, May 16, 2005)**

Veterinary Hospital - A veterinary or animal hospital means a facility in which the practice conducted includes the confinement as well as the treatment of patients. **(Added by Resolution 05-2005-1, May 16, 2005)**

Watercourse - Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

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

Yard, Front - The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

Yard, Rear - The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

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

ARTICLE III

GENERAL PROVISIONS

SECTION

3.010 Scope
3.020 Only One (1) Principal Building on Any Lot
3.030 Lot Must Abut a Public Street or Easement
3.040 Rear Yard Abutting a Public Street
3.050 Corner Lots
3.060 Future Street Lines
3.070 Reduction in Lot Area Prohibited
3.080 Obstruction to Vision at Street Intersection Prohibited
3.090 Access Control
3.100 Accessory Use Regulations
3.110 Landscaping and Buffer Strips
3.120 Site Plan Requirements
3.130 Solar Orientation
3.140 Outdoor Site Lighting Standards

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 ONE (1) PRINCIPAL BUILDING ON ANY LOT

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot in a residential district.

3.030 LOT MUST ABUT A PUBLIC STREET OR PERMANENT EASEMENT (Amended by Resolution, February 23, 1995)

No building permit or certificate of compliance may be issued, nor any building erected on any lot within the planning region unless:

A. The lot fronts for a distance of at least fifty (50) feet upon a public street; except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet;

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

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

D. The lot fronts for a distance of at least fifty (50) feet upon a permanent easement with access to an existing public highway or street.

3.040 REAR YARD ABUTTING A PUBLIC STREET

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

3.050 CORNER LOTS

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

3.060 FUTURE STREET LINES

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right-of-way as shown in the most current official Dickson County, Tennessee Transportation Plan.

3.070 REDUCTION IN LOT AREA PROHIBITED

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

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

On a corner lot, in any district, within the area formed by the center lines of intersecting streets 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 a 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. The requirements of this section shall not be construed to prohibit any necessary retaining walls.

3.090 ACCESS CONTROL

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

A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. All points of access shall be so constructed as to provide for proper drainage.

B. There shall be no more than two (2) points of access to any one (1) public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one public street.

C. No point of access shall be allowed within twenty (20) feet of the right-of-way line of any public intersection.

D. No curbs or shoulders on county streets or rights-of-way shall be cut or altered without approval of the Dickson County Road Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

E. When 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 public street.

3.100 ACCESSORY USE REGULATIONS

The use of land, buildings, and other structures in each of the districts established by this resolution are defined 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.

3.110 LANDSCAPING AND BUFFER STRIPS (Deleted and Replaced by Resolution 1-2008-5, January 22, 2008)

A. Purpose of Landscaping and Screening

Due to the nature of commercial and industrial uses and their potential for adverse impact to surrounding properties, all proposed developments shall be landscaped. Likewise, all developments other than one and two family dwellings shall be landscaped. The intent of these provisions is to increase the aesthetic appeal of the site, to reduce the harmful impact of noise, dust, glare of automobile light or other artificial light, to protect the quality of water and permit its return to the ground water strata, to prevent soil erosion, and to otherwise reduce other harmful impacts of development to adjacent properties and to the public.

It is likewise intended that these provisions be flexible so as to allow site specific conditions such as those outlined in Subpart D, of this section, to determine the type, location, and extent of landscaping and screening.

B. Screening

All uses except one and two family dwellings shall normally be screened from adjoining agricultural and residential uses by either an evergreen screen, a decorative wall/fence with an evergreen screen, a berm with an evergreen screen or other suitable alternatives, as approved by the Dickson County Planning Commission. The baseline screening requirements are shown on Table 3.110, and in Figures 3.110A, 3.110B, and 3.110C.

TABLE 3.110

BASELINE BUFFER YARD SPECIFICATIONS

ADJACENT ZONING DISTRICT

Use ↓	A-1 R-1	R-2	R-3	R-PUD	C-1	C-2	C-3	C-4	M-1	M-2
Institutional 1	A	A	A	A	N	N	N	A	N	N
Institutional 2	B	B	B	A	A	N	N	A	N	N
A-1, R-1	A	A	A	A	N	N	N	A	N	N
R-2	A	A	A	A	N	N	N	A	N	N
R-3	B	B	B	B	N	N	N	A	N	N
R-PUD	A	A	A	A	N	N	N	A	N	N
C-1	A	A	A	A	N	N	N	A	N	N
C-2	B	B	B	B	A	N	N	B	N	N
C-3	B	B	B	B	A	N	N	B	N	N
C-4	A	A	A	A	A	N	N	A	N	N
M-1	C	C	C	C	B	A	A	C	N	N
M-2	C	C	C	C	B	A	A	C	A	N

N = No Buffer Yard Required

Institutional 1. Includes those uses permitted or permitted as special exceptions in residential districts other than dwelling units such as religious facilities and community education that have a seating or other capacity of one hundred (100) or fewer persons.

Institutional 2. Includes those uses permitted or permitted as special exceptions in residential districts other than dwelling units such as religious facilities and community education that have a seating or other capacity of one hundred-one (101) or more persons.

STANDARD A-TRANSITIONAL PROTECTIVE YARDS

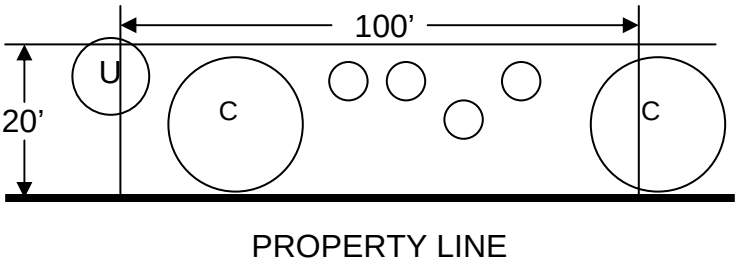
If Table 3.110 indicates a requirement of an "A" Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per one hundred (100) feet of yard length.

A-1

(20' WIDTH)

1.2 CANOPY
.4 UNDERSTORY

4 SHRUBS

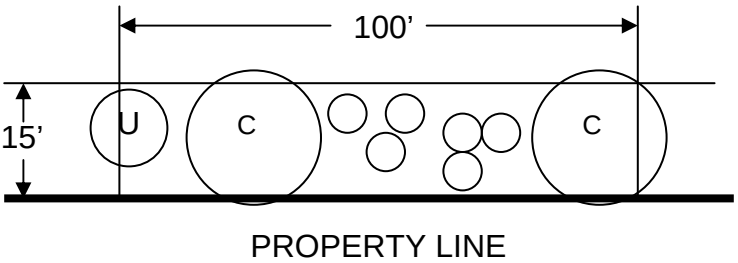


A-2

(15' WIDTH)

1.8 CANOPY
.6 UNDERSTORY

6 SHRUBS



A-3

(10' WIDTH)

2.4 CANOPY
.8 UNDERSTORY

8 SHRUBS

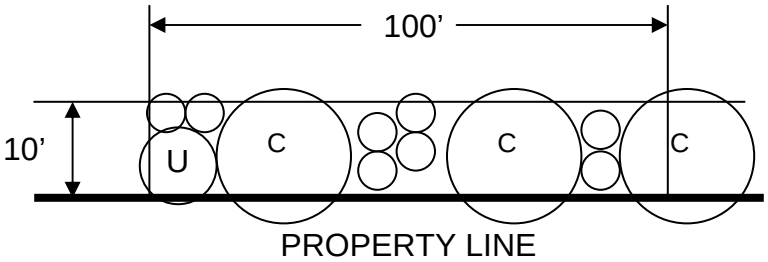


FIGURE 3.110A

STANDARD B-TRANSITIONAL PROTECTIVE YARDS

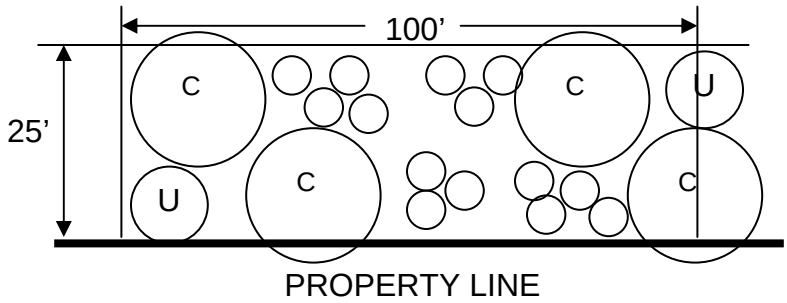
If Table 3.110 indicates a requirement of an "B" Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per one hundred (100) feet of yard length.

B-1

(25' WIDTH)

3.5 CANOPY
1.4 UNDERSTORY

14 SHRUBS

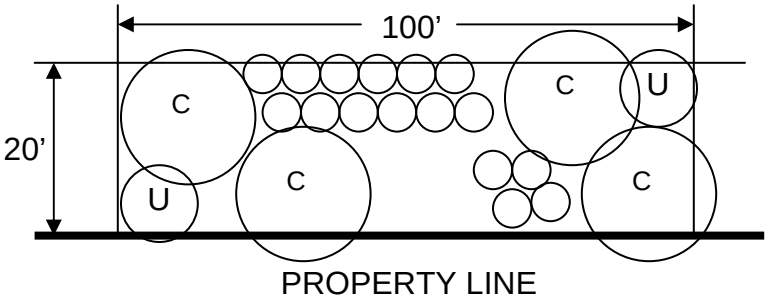


B-2

(20' WIDTH)

4 CANOPY
1.6 UNDERSTORY

16 SHRUBS

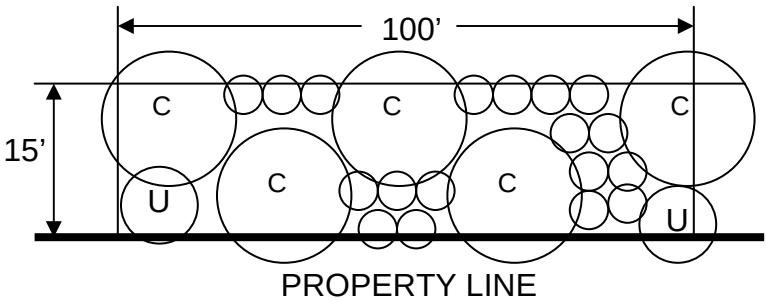


B-3

(15' WIDTH)

4.5 CANOPY
1.8 UNDERSTORY

18 SHRUBS



B-4

(10' WIDTH)

5 CANOPY
2 UNDERSTORY

20 SHRUBS

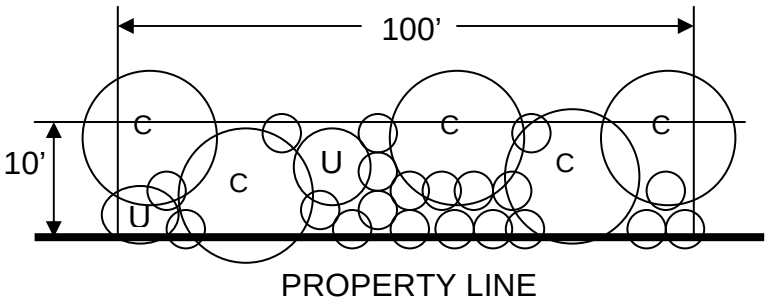


FIGURE 3.110B

STANDARD C-TRANSITIONAL PROTECTIVE YARDS

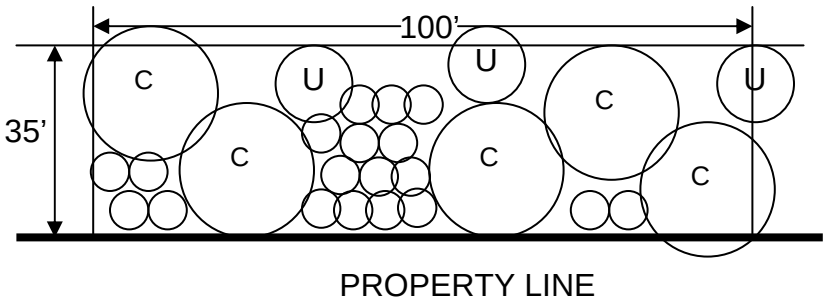
If Table 3.110 indicates a requirement of an "C" Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per one hundred (100) feet of yard length.

C-1

(35' WIDTH)

4.8 CANOPY
2.4 UNDERSTORY

19 SHRUBS

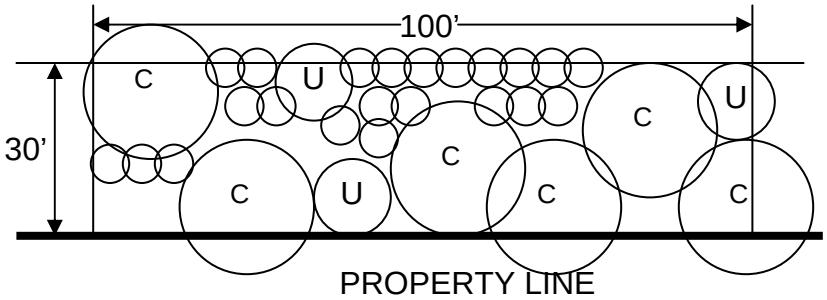


C-2

(30' WIDTH)

5.4 CANOPY
2.7 UNDERSTORY

22 SHRUBS

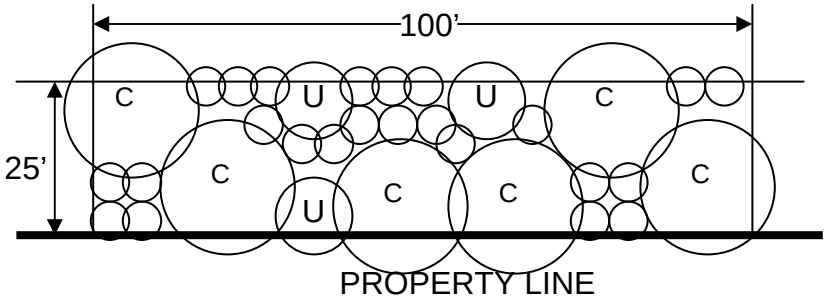


C-3

(25' WIDTH)

6 CANOPY
3 UNDERSTORY

24 SHRUBS



C-4

(20' WIDTH)

6.6 CANOPY
3.3 UNDERSTORY

28 SHRUBS

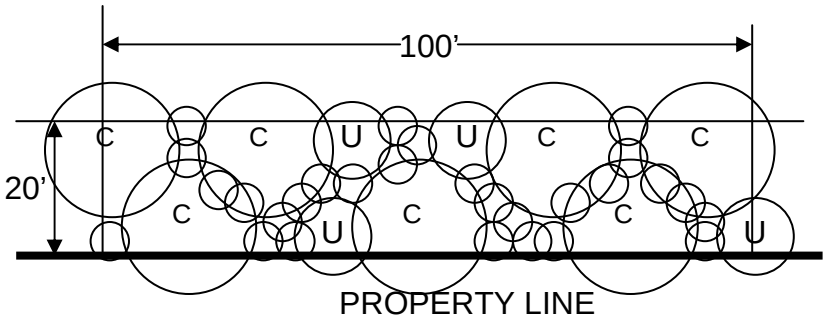


FIGURE 3.110C

This permanent screen may be located in any area so long as, in the opinion of the Planning Commission, the negative impact of the commercial building(s), storage, and parking area will be reduced so as to preserve the character of the adjacent residential or agricultural zone. Likewise, the minimum screening standards may be increased or reduced by the Planning Commission based on the individual circumstances of the site as per Subpart E, of this section. **Any required screening shall be in addition to any required landscaping**.

1. Screening Requirements for Outdoor Storage and Equipment

   Storage areas for auto service functions such as storage areas for automobiles, trucks or other vehicular craft while awaiting repair shall be screened so as not to be visible from adjoining properties or from any public or private roadway. In areas where topography makes full screening impractical such storage areas shall be screened as much as is reasonable possible. However, licensed and registered automobiles and trucks not owned by operator of such service facility awaiting ordinary mechanical service and repair may be parked in non-screened parking areas.

   Garbage collection areas shall be fully enclosed by opaque materials on all four (4) sides, with doors to remove containers. The screening shall be at least two (2) feet taller than the dumpster. Where topography may expose interiors of garbage collection areas to view, screening shall be correspondingly taller. Landscape plantings are required around at least two sides of all dumpster screens to soften the effect of fencing.

   Above ground fuel tanks, and significant utility and mechanical equipment such as ground-mounted air conditioning, emergency power generators, sewer pumping stations shall be hidden from public view by screening.

C. Landscaping

All sites other than one and two family dwellings shall be landscaped. Each site shall have a minimum landscaped area of fifteen (15) percent that shall consist of trees, shrubs, hedges, flowers, fountains, rock gardens, works of art, etc. The minimum landscaped area may also include; the area that will be under the canopy of trees five (5) years after planting shall apply towards this minimum area. Likewise, the area of mulch beds or similar may be applied towards the fifteen (15) percent minimum area provided that they are predominantly planted. (*i.e.*, if two (2) or three (3) small shrubs were placed in a large mulch bed the majority of the mulch bed would not be counted towards the fifteen (15) percent minimum.)

D. Landscaping Requirements for Parking Lots

1. All required parking areas with ten (10) or more spaces shall be suitably improved so as to provide landscaping equal to or greater than ten (10) percent of their total area. This landscaped area may be internally located and/or at the periphery of the parking area.

2. Parking areas shall not have rows with more than fifteen (15) unbroken spaces.

3. Parking areas with forty (40) or more spaces shall utilize internal landscaped islands.

4. Landscaping in parking areas should be used to formalize traffic areas and aisles. Any required landscaping that is required in parking areas may apply towards the required overall minimum landscaped area. No landscaping shall hinder visibility at internal or external intersections.

5. A twenty (20) foot grass or landscaped strip shall be preserved along the street right of way except at points to provide ingress/ egress along Arterial and Collector roadways as shown on the Dickson County Major Thoroughfare Plan. Up to five (5) feet of the required twenty (20) feet strip may utilize areas within the right of way provided that the area is grass, vegetation, or sidewalks AND the roadway has been built to the width and number of lanes as per the Dickson County Major Thoroughfare Plan.

   This twenty (20) foot strip may be reduced to ten (10) feet provided that one of the following conditions is met: A) the strip includes a permanent finished wall constructed of brick, stone, or masonry that is no less than thirty (30) inches in height; or B) where trees are planted in islands at least ten feet by fifteen feet (10' x 15') between parking spaces every five (5) parking spaces.

E. Criteria

When making decisions regarding the landscaping or screening of a site, the following criteria shall be considered by the Planning Commission:

1. The proximity of the commercial/industrial/institutional site to existing residential structures, proposed residential subdivisions, and institutional land uses.

2. The topography of the area.

3. The existing vegetation of the proposed site as well as the existing vegetation of nearby properties. Any exiting vegetation that is to be retained shall be so noted on the plan.

4. The structure to be used for the proposed non-residential site including size, bulk, setback, lot coverage ratio, building materials, proposed building setbacks, and other similar criteria.

5. The location of accessory buildings, outdoor sales area, outdoor storage, and parking areas of the proposed site.

6. The location of utilities with special attention to overhead electric lines.

F. Planting Specifications

All vegetation to be installed as part of the landscaping and screening plan shall be installed according to generally accepted industry standards. The same species and/or range of species shall be installed as per the approved landscaping plan as approved by the Planning Commission. The minimum size of plantings shall be a minimum of one and one-half (1 ½) inch caliper for canopy trees and one (1) inch caliper for understory trees as measured one (1) foot above the ground unless otherwise approved by the Planning Commission.

G. Maintenance

All required screening and/or buffering vegetation, berms, walls, etc., as well as all landscaping shown on an approved site plan shall be permanently maintained.

1. The property owner(s) and their successors shall be responsible for maintaining all plantings in good health. Dead or badly diseased and dying plants shall be replaced.

2. The Zoning Administrator may grant an extension of up to six (6) months to allow dead or diseased plants to be replaced at an appropriate time of the year so as to maximize the long-term health of the vegetation. Such extension, if granted, shall be in writing.

3. Screening walls and fences or other objects approved as part of the landscaping plan such as rock gardens, fountains, etc. shall be kept in good condition so as to achieve their intended function: enhancing site appearance and/or the screening and buffering of adjoining properties. Fences and walls used for screening and/or buffering shall be kept clean from dirt and mold and well painted or stained as appropriate. Wooden fences that are broken, rotten, or that are structurally unsound shall be repaired.

H. Time of Completion

1. All required landscaping and screening must be completed in accordance with the approved landscaping plan before a certificate of occupancy may be issued for any building on the lot except as provided in Subpart a, below.

   a. To allow landscaping to be installed at a time of the year so as to maximize the long-term health of the vegetation, the Zoning Administrator may issue one six-month temporary certificate of occupancy so as to allow the owner to complete the landscaping of the site.

I. Enforcement

All plantings and other improvements shown on any approved landscaping plan shall be considered a condition of the approval of the site plan. Failure to install or maintain such improvements shall be considered a violation of this resolution and the owner of property is subject to all penalties and remedies of Article VIII, of this resolution.

3.120 SITE PLAN REQUIREMENTS (Deleted and Replaced by Resolution 1-2008-5, January 22, 2008)

The purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to maintain maximum convenience, safety, economy, and identity in relation to other sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for building permits must submit scale drawings of development proposals to the Dickson County Regional Planning Commission in accordance with the following procedures except for minor additions as outlined in Subpart C:

A. Proposals for the construction or location of one or more principal structures, buildings, or additions on a lot (with the exception of single-family and two-family dwellings located on a single lot) shall be submitted at a scale no smaller than 1" = 100' and indicate:

1. The actual shape, location and dimensions of the lot.

2. The shape, size, location of all buildings or other structures to be erected, Altered, or moved, and any building or other structure already on the site.

3. The existing and intended use of the lot and all such structures upon it, including the number of dwelling units for multi-family residential buildings.

4. Topography.

5. Location of driveways and entrances.

6. Location of all off-street parking areas.

7. Location of all off-street loading berths.

8. Location of any proposed outdoor sales and display areas.

9. Building setbacks and other yard requirements, floor area, and building heights.

10. Position of fences and walls (material specified).

11. Location of areas subject to flooding.

12. Proposed means of surface drainage.

13. Location, type, and size of proposed signs.

14. Location of all easements and rights-of–way.

15. Location and availability of servicing utilities.

16. A Landscaping Plan containing the following;

    a. Approximate tree masses and existing hedgerows.

    b. Approximate location and identification of trees six (6) inches in caliper or larger measured six (6) inches above the ground.

    c. Proposed landscaping features (including type of planting specified).

B. <u>Expiration of Site Plan Approval</u>

From the date a site plan is approved construction must begin within a twenty-four (24) month period. If no construction has taken place during this period the site plan becomes null and void and a new site plan must be submitted to the Dickson County Planning Commission for review and approval before construction may occur.

C. Exceptions

Minor additions as outlined may be reviewed by staff without referral to the Planning Commission provided that such addition would have minimal impact on the existing site. The maximum size of any permitted minor addition of this section shall be cumulative of all such additions. All such minor additions shall meet the following conditions in order to be reviewed by staff without referral to the Planning Commission:

1. Additions to principal buildings in industrial districts of one thousand (1,000) square feet or less OR additions of no more than ten (10) percent of the size of a principal building up to five thousand (5,000) square feet maximum.

2. Additions to principal buildings except those in industrial districts of no more than five hundred (500) square feet OR additions of no more than ten (10) percent of the size of a principal building up to two thousand (2,000) square feet maximum.

3. That there is no reduction or deletion of the landscaping area or the number of plantings except as may be necessitated by the construction of the building addition. In cases where the landscaping must be removed for construction an equal area and equivalent plantings shall be installed in a manner similar to that prior to construction.

4. That the parking requirements of this resolution are maintained and that there is no increase or decrease in the number of parking spaces by more than ten (10) percent.

5. That any accessory buildings are located behind the principal building and no larger than one thousand (1,000) square feet OR ten (10) percent of the size of the principal building up to a maximum of two thousand (2,000) square feet.

3.130 SOLAR ORIENTATION

Solar energy devices shall be subject to the setback limitations affecting dwellings, buildings, and other major improvements. The use of solar energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of a structure, or an independent structure.

3.140 OUTDOOR SITE LIGHTING STANDARDS (Added by Resolution 1-2008-5, January 22, 2008)

It is the intent of this section to establish outdoor lighting requirements that reduce the negative off-site impacts of lighting while allowing lighting necessary for safety and visibility. The following requirements shall apply to all developments and/or facilities except one and two-family dwellings and street lighting. In no case, however, shall any light shine or glare so as to create a traffic safety hazard on any adjacent properties, right-of-ways, access easements, or driveways.

A lighting plan shall be submitted with each site plan showing all relevant outdoor lighting fixtures as well as the illumination in footcandles at the street right-of-way and/or property line.

A. Performance Standards and Criteria

1. No lights shall shine or glare directly onto adjacent properties, right-of-ways, access easements, or driveways. For the purposes of this resolution, glare shall be defined as any brightness within the field of vision of such a character as to cause annoyance, discomfort, interference with vision, or loss in visual performance and visibility.

2. The maximum illumination at a property line adjacent to residential and agricultural districts shall be 0.5 footcandles. The maximum illumination at a street right-of-way or a property line that is adjacent to commercial or manufacturing districts shall be 3.0 footcandles.

3. Light poles, including any supporting base, shall not exceed twenty-two (22) feet in height. The height shall be measured from the ground to the top of the pole. However, the Planning Commission may approve light poles for an expansion of an existing development so as to match the existing light poles if it can be shown that the taller light pole will not create any negative effects on any adjacent properties, right-of-ways, access easements, or driveways. In no case shall new light poles exceed the height of the existing light poles or forty (40) feet in height, whichever is less.

4. All pole lights shall be directed toward the ground. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the light box. The shoebox style fixture shall be used unless it can be shown that a different style would be equivalent to or better than these requirements.

5. All wall lights shall be directed toward the ground. The wedge style fixture shall be used unless it can be shown that a different style would be equivalent to or better than these requirements.

6. All ground-mounted lights, whether used to illuminate a building or a sign, shall be designed to minimize light that does not illuminate the target area. Blinders, or some other type of protectors, may be required to be placed on the lights so as to direct the beam away from adjacent properties, right-of-ways, access easements, or driveways.

7. Lights located under gasoline service station canopies, canopies for bank automatic teller machines, and other such similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it can be shown that a different style would be equivalent to or better than these requirements.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

4.010 Off-Street Parking Requirements
- **4.011 Certification of Minimum Parking Requirements**
- **4.012 Combination of Required Parking Space**
- **4.013 Remote Parking Space**
- **4.014 Extension of Parking Space into a Residential District**
- **4.015 Requirements for Design of Parking Lots**
- **4.016 Queuing Requirements for Drive-Through Facilities**

4.020 Off-Street Loading and Unloading Requirements
4.030 Temporary Use Regulations
4.040 Customary Incidental Home Occupations
- **4.041 Type II, Home Occupations**

4.050 Fall-Out Shelter Restrictions
4.060 Gasoline Service Station Restrictions
4.070 Standards for Signs, Billboards, and Other Advertising Structures
4.080 Development Standards for Mobile Home Parks
4.090 Development Standards for Automobile Wrecking, Junk & Salvage Yards
4.100 Development Standards for Residential Planned Unit Developments and/or Cluster Residential Development
4.110 Development Standards for Shopping Centers
4.120 Subsurface Disposal of Toxic Materials
4.130 Development Standards for Sanitary Landfill or Hazardous Waste Facility (Disposal, Treatment, Storage)
4.140 Litter, Refuse, Garbage, Junk and Debris Control Regulations
4.150 Restrictions for Adult-Oriented Business Establishments
4.160 General Requirements for Individual Manufactured Homes
4.170 Standards for Telecommunication Antennas and Towers
4.180 Standards for Bed and Breakfast Establishment
4.190 Standards for Commercial Feed Lots, Fisheries, and Hatcheries
4.200 Special Requirements for Riding Stables
4.210 Drainage and Storm Sewers
4.300 Rules and Regulations of Water Wells and Use of Springs
- **4.311 General Provisions**
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- **4.313 General Requirements and Procedures**
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- **4.316 Variances**
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- **4.319 Conflict of Laws**
- **4.320 Enforcement and Penalties**
- **4.321 Definitions**

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 by 18 feet) and such space shall provide 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 unit.

C. **Boarding Houses and Rooming Houses** - Not less than one (1) space for each one (1) room to be rented.

D. **Mobile Home Parks** - Not less than two (2) spaces for each mobile home space.

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 Public Assembly** - Not less than one (1) space for each five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc. at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.

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 plus one (1) parking space for every three (3) employees.

J. **Retail Sales and Services Establishments** - Not less than one (1) parking space for each three hundred (300) square feet, or fraction hereof, of sales space in general commercial districts and 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. **Roadside Service Facilities (Service Stations, Repair Shops or Similar Uses)** - Not less than five (5) spaces for grease rack or service bay, or one (1) space for each one thousand four hundred (1,400) square feet of lot area or fraction thereof, whichever is greater.

M. **Restaurants** - Not less than one (1) space per one hundred (100) 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 Board of Zoning Appeals.

4.011 Certification of Minimum Parking Requirements

Each application for a Development 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 planning director to determine whether or not the requirements of the section are met.

4.012 Combination of Required Parking Space

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, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4.013 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 four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the 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.

4.014 Extension of Parking Space into a Residential District

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

A. The parking space adjoins a commercial or industrial district.

B. The parking space has its only access to or fronts upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.

C. The parking space is separated from abutting properties in the residential districts by a buffer strip.

4.015 Requirements for Design of Parking Lots (Deleted and Replaced by Resolution 1-2008-5, January 22, 2008)

A. Except for parcels of land devoted to one and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

B. Each parking space shall be no less than ten feet by twenty feet (10' by 20') and a minimum of two hundred (200) square feet in area.

C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090, of this resolution.

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

E. All parking areas and access drives except for those of one and two-family dwellings shall be suitably paved with an all weather wearing surface and dustless material. Such all weather wearing surface and dustless material shall be constructed using a sufficient depth of base and topping of asphalt, concrete, or other material approved by the Planning Commission so as to accommodate the type and volume of traffic anticipated at the site. Compacted gravel or stone shall not be deemed to be an all weather wearing surface and dustless material. However, the Board of Zoning Appeals may permit gravel surfaces in the M-1 District or for areas used for the outdoor display of merchandise provided that it can be demonstrated that doing so would cause no adverse effects to adjacent property.

F. Parking lot access points and internal drives shall be so designed so as to minimize conflict points. Landscaping and or curbs shall be used to formalize drive areas and minimize conflict points. Generally accepted engineering practices shall be used regarding the design of internal drive lanes, intersections, width between parking rows, etc. The Planning Commission may consult with an engineer or may otherwise require that any parking lot design submitted for approval demonstrate that generally accepted engineering practices have been followed.

G. Drives lanes providing ingress/egress to any street other than minor streets shall remain channeled for the following distances as measured from the edge of the proposed right of way as per the adopted Dickson County Major Thoroughfare Plan:

50 spaces or less	**30'**
51-100 spaces	**40'**
101 spaces or more	**50' or greater as determined by a traffic study**

H. Where areas adjoining residential zones are likely to be used for truck loading, storage or driveways, the transitional zone must provide protection through use of earth berms or solid masonry materials.

I. Where lighted parking areas are located adjacent to residential zones, lighting shall be designed to minimize illumination across the boundary, and the transitional buffer must screen headlights.

4.016 <u>Queuing Requirements for Drive-Through Facilities</u> (Added by Resolution 1-2008-5, January 22, 2008)

The minimum number of queue spaces, including the vehicle being serviced, shall be provided according to Table 4.016. Each queue space shall be a minimum of twenty feet in length. Unless otherwise indicated in the table, queuing shall be measured from the point of ultimate service to the end of the queuing lane. Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other traffic using the site. Each land use in Table 4.016, shall have a bypass lane with a minimum width of twelve (12) feet and shall be clearly distinguished from the queuing lane by markings. Queuing vehicles shall not stand within a public street or alley rights-of-way.

TABLE 4.016

QUEUING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES

TABLE INSET

Land Use	Minimum Number of Queue (Drive-Through) Spaces
Bank Teller Lane	**5**
ATM	**3**
Restaurant, Drive Through	**5**
Car Wash (full service)	**5**
Car Wash (self-service)	**3**
Car Wash (automobile convenience)	**3**
Automotive Service Oil Change Station	**3**
Retail	**4**
Automobile Convenience, Gasoline Pump Island	**30 Feet Away from Any Driveway Ramp**

4.020 <u>OFF-STREET LOADING AND UNLOADING REQUIREMENTS</u> (Deleted and Replaced by Resolution 1-2008-5, January 22, 2008)

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

Total Usable Floor Area for Principal Building	**Spaces Required**
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 spaces shall be large enough to accommodate tractor trailer vehicles.

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

Where areas adjoining residential zones are likely to be used for truck loading, storage or driveways, the transitional zone must provide protection through use of earth berms or solid masonry materials.

Where lighted parking areas are located adjacent to residential zones, lighting shall be designed to

minimize illumination across the boundary, and the transitional buffer must screen headlights.

4.030 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non permanent in nature. Application for a Temporary Use Permit shall be made to the planning director. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, set-back, sanitary facilities and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.

A. **Carnival or Circus** - May obtain a Temporary Use Permit, in the A-1, C-2, or M-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 Sales** - Shall obtain a thirty (30) day Temporary Use Permit for the retail sale of Christmas Trees transported to open lots in the A-1, C-1, C-2, and M-1 Districts.

C. **Temporary Buildings** - In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. **Religious Tent Meeting** - In any district, a Temporary Use Permit may be issued for a tent or other temporary structures used to house a religious meeting. Such permits 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.

E. **Temporary Dwelling Unit in Cases of Special Hardships** - In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent 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 Dickson County Health Department and/or the utility system approving the water supply and sewage disposal system for the temporary structure. Such 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-one (21) months.

F. **Historical Events, Presentation and Historical Related Activities** - In an Agricultural District, a Temporary Permit may be issued for historical events, presentations or historical related activities for not more than six (6) times per year. Such permit shall be in effect for a period not to exceed seven (7) consecutive days. **(Added by Resolution, June 23, 1994)**

G. **Special Events** - Special events, but not limited to, tractor pulls, music festivals or temporary activities that would take place in an agricultural setting for not more than four (4) times per year. Such permit shall be in effect for a period not to exceed fifteen (15) consecutive days. Permits for Special Events will be issued to nonprofit, non-taxpaying entities at no cost and to be issued one (1) time each calendar year, if needed. **(Added by Resolution, June 23, 1994)**

4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS

A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops, or the accommodation of not more than two (2) boarders) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than thirty-two (32) square feet in area is permitted.

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

A. Accessory-Agricultural Occupations **(Added by Resolution 3-1998-10, March 19, 1998)**

These provisions are established to provide supplemental occupations for residents located in a rural environment. All applications requesting approval for this type of home occupation are required to meet the provisions set forth in Section 8.060, Subpart C, and any other safeguards the Board of Zoning Appeals may deem necessary. All accessory-agricultural occupations require approval of a site plan by the Planning commission and approval by the Board of Zoning Appeals as a Special Exception. Uses permitted as accessory-agricultural occupations shall include, but not limited to auto, truck and farm equipment repair, welding shops, wood working and cabinet shops, manufacture or processing of garments, the sale of farm supplies and equipment (excluding privately owned) and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of an accessory-agricultural occupation.

4.041 Type II, Home Occupations **(Added by Resolution 5-2001-10, May 21, 2001)**

The purpose of the Type II, Home Occupations section of this resolution is to provide the opportunity for the use of the home for limited business purposes.

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

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

No nuisance effects (noise, vibration, odor, discharge of materials, fluids, gases, 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. This includes delivery or storage of trucks greater than eleven thousand (11,000) pounds gross vehicle weight.

To be classified as a home occupation under this category, the following criteria must be met:

1. No more than one (1) employee may work at the site of the business other than family members who reside in the dwelling. In no case shall the home occupation have more than three (3) employees working at the site.

2. No alteration to the dwelling shall indicate from the exterior that the building is being utilized for any purpose other than as a residential unit.

3. The Type II, Home Occupation may be conducted in an accessory structure located on the same property as the owner's principal dwelling. This accessory structure shall be no larger than twenty-four hundred (2,400) square feet. A subordinate accessory structure may be located in the rear yard only. Any Type II, Home Occupation that utilizes an accessory building shall have minimum lot size of five (5) acres. Accessory buildings shall be setback seventy-five (75) feet from adjacent residential or agricultural lots and at least one hundred-fifty (150) feet from an existing adjacent residence.

4. Accessory buildings used for home occupations shall be suitably screened from view from the road and adjacent residential and agricultural lots. This may by a decorative fence or year-round vegetation or a combination of both.

5. No outdoor storage and/ or display of merchandise shall be permitted. However, auto/ light truck, marine, motorcycle, and farm equipment repair home occupations may build a fully screened (360 degrees) storage area for equipment awaiting repair. This area may be no larger than one half the size of the accessory building used for the home occupation. This area shall not be used for vehicles used for parts or other salvage equipment.

6. 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.

7. All parking (loading/ unloading) associated with the conduct of the home occupation shall be off-road. Ample area shall be provided on the site for these activities.

8. A general sketch plat (layout) of the applicant's property showing the location of the dwelling, driveway, parking area, accessory buildings, landscaping, etc., shall be submitted with the application.

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

<u>Uses Permitted as Type II, Home Occupations:</u>

Appliance Repair, of items intended for normal household use including:
Heat/AC Systems, Electronics, Washers and Dryers, etc.
Auto and Light Truck Repair
Beauty/ Barber Shops

Ceramics, Pottery, Sculpture, Art, Crafts
Construction related services including
Cabinet Making/Woodworking, General Building Contractors,
Masonry, Stonework, Tile Setting, Plastering, Painting,
Paper Hanging, Plumbing, Electrical Contractors,
and other similar construction related professions
not requiring outdoor storage or vehicles greater
than 11,000 pounds gross vehicle weight.
Farm Equipment Repair
Lawn Mower Repair
Marine and Watercraft Repair (but not their storage for a fee)
Motorcycle Repair
Offices Used for Professionals, including
Accounting/Bookkeeping, Law, Real Estate,
Architects, and Engineers.
Small Engine Repair
Tailor Shops
Textiles
Upholstery Shops
Welding Shops

4.050 FALL-OUT SHELTER RESTRICTIONS

Fall-out 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 fall-out 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 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 for 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 4.070, shall be met.

4.070 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 for signs, billboards, and other advertising structures are enumerated below.

A. In Any Zoning District, the Following General Regulations Shall Apply:

1. 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, device or, emergency vehicle.

2. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

3. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed fifty (50) feet in length.

4. Signs may be erected or placed up to the property line but no part of the sign structure may project or overhang past said property line. However, no billboard shall be erected or placed closer than, within one hundred (100) feet of any A-1, R-1, or R-2 District.

5. On the premises, outdoor advertising signs, including flashing or intermittent illumination, shall not intrude upon the public right-of-way.

6. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.

7. Professional signs and signs for home occupations shall not exceed thirty-two (32) square feet in area, in A-1,R-1 and R-2 Districts.

8. Temporary signs and posters are subject to the following regulations:

   a. Each sign shall not exceed thirty-two (32) square feet in area, excluding banners.

   b. The signs shall not be located closer together than five hundred (500) feet except "For Sale" and "For Rent" signs.

   c. Such signs shall not be nailed to public utility poles and shall not be located in the public right-of-way, excluding banners.

   d. All such signs advertising events shall be removed within ten (10) days after the event date.

9. In any district, the following signs shall be permitted:

   a. For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign, not more than sixteen (16) square feet in area, identifying or designating the conditions of the use of such parking area.

   b. Nonilluminated "For Sale" or "For Rent" signs not exceeding twelve (12) square feet in area.

c. One (1) sign not more than twelve (12) square feet in area giving the names of contractors, engineers, or architects, during construction of a building.

d. Signs established by, or by order of, any governmental agency.

e. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area.

f. Flags or emblems of political, civic, philanthropic, educational or religious organizations.

g. Small nonilluminated signs, not exceeding one and one-half (1-1/2) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, freight entrances and the like.

10. Spacing of Off Premise Signs **(Amended Resolution, May 24, 1990)**

All off premise signs, billboards and other advertising structures must be spaced seven hundred fifty (750) feet apart in any direction.

B. In the A-1, Agricultural District, the Following Regulations Shall Apply:

1. Name plates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

2. Not more than two (2) nonilluminated signs, not to exceed a total of thirty-two (32) square feet in area, advertising the sale of agricultural products produced on the premises shall be permitted.

3. Church, school, or public building bulletin boards or identification signs, not exceeding sixty (60) square feet in area permitted.

4. Flashing or intermittent illumination is prohibited.

5. Billboards and other advertising structures are prohibited, except certain directional signs intended to guide the general public to areas designated as possessing scenic, historical, of recreational value. However, such directional sign shall not exceed sixty-four (64) square feet in area.

6. Business signs, not to exceed one and one-half (1-1/2) square feet of surface area for each one (1) lineal foot of face of building, relating to the business on the premises will be permitted.

C. In the R-1 and R-2, Residential Districts, the Following Regulations Shall Apply:

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

2. For multi-family dwelling, identification signs not exceeding nine (9) square feet in area are permitted.

3. Church, school or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.

4. Flashing or intermittent illumination is prohibited.

5. Billboards and other advertising structures are prohibited.

D. In the C-1, Rural Center District, the Following Regulations Shall Apply:

1. Nameplates indicating name, address, house number, announcement of boarders or rooms for rent, or customary home occupations are permitted.

2. Church, school, or public building identification signs or bulletin boards, not exceeding sixty (60) square feet in area are permitted.

3. For other permitted uses, one business sign not exceeding one (1) square foot of surface for each two (2) lineal feet of lot fronting on a public street, will be permitted. Such sign shall be mounted on the premises and shall be directly related to the activity conducted on said premises.

4. Billboards and other general advertising structures are prohibited.

E. In the C-2, General Commercial District, the Following Regulations Shall Apply:

1. Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics.

2. Business signs shall be permitted subject only to the restrictions in Section 4.070, A, of this resolution. All ground signs shall be located not closer to any property line than one half (1/2) the required setbacks.

3. Billboards and other outdoor advertising structures are permitted subject to the general restrictions set forth in Section 4.070, A.

F. In the M-1, General Industrial District, the Following Regulations Shall Apply:

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.

2. Flashing or intermittent illumination is prohibited.

3. Billboards and other outdoor advertising structures are permitted.

4.080 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

The following land development standards shall apply for all mobile home parks:

A. 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.

B. Dimensional Requirements for Parks

1. Each mobile home park shall have a front yard of thirty (30) 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 fifteen (15) 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 public street, said yard shall not be less than thirty (30) feet.

4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

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 a park and may be lighted by indirect lighting only.

C. 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 there shall be at least a twenty (20) foot 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 two (2), off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the rear or side yard of said mobile home space.

5. 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.

6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer 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. In areas without public waste water service, the minimum lot area shall be seven thousand five hundred (7,500) square feet for single wide mobile homes

and ten thousand (10,000) square feet for a double wide mobile home, unless a higher density is approved by the Dickson County Health Department and the Board of Zoning Appeals after appropriate soil tests have been completed and analyzed as to the capability of the soil to accommodate a septic tank and drain field.

No mobile home park shall be permitted unless such park is served by a public water supply.

D. General Requirements

1. Roads within the mobile home park shall be paved to a width of not less than twenty-two (22) feet in accordance with the procedures and standards for minor residential streets as specified in the Dickson County Subdivision Regulations, and 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.

3. Each mobile home space shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Dickson County Health Department and Board of Zoning Appeals.

4. Mobile homes, 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.

E. Plans and Schedules Required

The following information shall be shown on the required site plan:

1. The location and legal description of the proposed mobile home park.

2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.

3. The proposed use of buildings shown on the site plan.

4. The location and size of all mobile home spaces.

5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.

6. The location of all off-street parking facilities.

7. The location of park and recreation areas.

8. The name and address of the applicant.

9. Such other architectural, engineering, and topographic data as may be required to permit the Dickson County Health Department, the Planning Director, Staff Planner, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with, shall be submitted with the site plan.

10. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

11. All mobile home parks existing at the date of the passage of this resolution which do not conform to the provisions of the zoning resolution shall be governed in accordance with the provision of Section 6.020, of this resolution.

F. Application for Mobile Home Park Development

An application for a permit to develop and construct a mobile home park shall be filed in accordance with Article VII, Section 8.060, of this resolution, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner.

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Dickson County Health Department will be submitted to the Dickson County Planning Director, and the Dickson County Regional Planning Commission. The County Regional Planning Commission shall duly review these materials and shall co-ordinate the review with the appropriate utility districts.

2. The Dickson County Planning Director shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

4.090 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS

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

A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.

C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.

D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.

E. **Off-Street 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

G. **Application for Automobile Wrecking, Junk or Salvage Yard Permit** - No person shall own or maintain an automobile wrecking, junk, or salvage yards within Dickson County, or enlarge or expand the existing land surface area beyond what was previously permitted upon application pursuant to these regulations, until he has secured a permit from the Dickson County Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article VII, Section 8.060, of this resolution, and shall be accompanied by a detailed site plan, indicating exact dimensions of area to be used, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with Section 8.060.

4.100 DEVELOPMENT STANDARDS FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS AND/OR CLUSTER RESIDENTIAL DEVELOPMENT

A. The purpose of this type of development is to permit greater flexibility for creative subdivision design to achieve superior scenic quality and recreational opportunities near homes by providing for residential developments which incorporate permanent common-use local open space and permissible planned structural amenities accessible to all residential lots.

B. Procedure for Approval

1. Initial Sketch and Consultation

Before preparing a formal proposal for cluster and or planned unit residential developments, the applicant shall submit six (6) copies of a sketch of the proposed development to the planning commission as a basis for reaching general agreement on major aspects for the project. The sketch shall be at a scale no smaller than 1" = 200' and shall include but not be limited to:

a. Boundaries and acreage of total site;

b. Number and building types of dwelling units;

c. Arrangement of streets, structures, and lots;

d. Access to existing streets;

e. Local open space tracts and prospective uses;

f. Any planned common-use activity areas, such as swimming pools, tennis courts, etc., or special areas deemed worthy of conservation per se;

g. Location and size of water and sewer lines.

2. Plat Approval Procedure

Proposals for clusters or planned unit development shall be subject to the Dickson County Subdivision Regulations, shall be prepared and reviewed under the plat approval procedures of that document, and shall be in accordance with the provisions of this section.

C. Development Requirements

1. Maximum Density

The average number of dwelling units per acre of building land (excluding land for street right-of-way and any planned structural amenities) shall not exceed respective district density limits. Maximum building area shall consist of seventy-five (75) percent of the total residentially-zoned acreage available.

2. Minimum Lot Size, Width or Yard Requirements

None.

3. Structural Location Requirements

Minimum distance between structure and public street right-of-way line:

Arterial Street	**50 ft.**
Collector Street	**35 ft.**
Minor Street	**20 ft.**
Minimum Spacing Between Structures	**10 ft.**

4. Utilities

The development shall be serviced with public sewer and water on trunk lines not less than eight (8) inches and six (6) inches, respectively, and shall include fire hydrants for adequate protection.

5. Local Open Space

a. Minimum Local Open Space Requirement

The amount of local open space to be allocated shall not be less than the aggregate by which building lots are reduced from regular minimum lot size requirements.

b. Permitted Local Open Space Uses

Only the following land uses shall be set aside as common land for local open space or recreational uses.

Private recreational facilities, such as golf courses, tennis courts, swimming pools, club houses and such other amenities that are limited to the use of the owners or occupants of the lots located within the subdivision.

Historic building sites or historical sites; parks and parkway areas; extensive areas with tree cover; low land along streams or areas of rough terrain, when such areas are extensive and have natural features worthy of scenic preservation, according to the planning commission.

D. Legal Requirements for Operation and Maintenance

Local open space, at the option of the developer, may be retained or deeded to a Homeowner's Association approved by the planning commission. When such tracts are retained by the developer, plans for improvement and maintenance of these tracts must be approved by the planning commission. Restrictive deed covenants shall be made to assure perpetual use of the tracts for local open space purposes, including common use of any planned structural amenities by lot owners within the development. When such tracts are to be deeded to a Homeowner's Association, the developer shall provide:

1. The legal framework for a Homeowner's Association consisting of articles of incorporation and by-laws which guarantee as a minimum:

a. That the Homeowner's Association will be responsible for liability insurance, local taxes, maintenance of recreational and other facilities pertaining to the local open space.

b. That when more than fifty (50) percent of the lots within the subdivision area sold, there shall be a special meeting of the homeowner's association within sixty (60) days.

2. Deeds to individual lots within the subdivision shall convey mandatory membership in the Homeowner's Association, and include, as a minimum, the following homeowner's association agreements:

a. A pro-rata share of the cost of the Homeowners' Association operation shall rest with the homeowners.

b. Permanent unrestricted rights to utilize land and facilities owned by the association shall rest with the homeowners.

c. Assessments levied by the association can become a lien on personal property, if not paid, and

d. The association shall have authority to adjust assessments to meet changing needs.

4.110 DEVELOPMENT STANDARDS FOR SHOPPING CENTERS

This section is intended to provide a maximum flexibility in design and to insure a minimum standard of site development for shopping centers (See Definition). Planned Shopping Centers are permitted in any designated commercial district, subject to review by the Dickson County Regional Planning Commission.

A. Preliminary Preview

A general location map is to be submitted to the planning commission. Such map shall exhibit the following:

1. Property boundaries and adjacent land use.

2. Current zoning on properties.

3 Existing utilities and locations, including fire hydrants.

4. Approximate building orientation.

5. Approximate location of proposed parking areas, loading and unloading facilities, etc.

6. A drainage plan.

7. Other information which the developer feels is pertinent to his proposed development.

B. Site Plan

1. A site plan is then submitted to the planning commission for final approval. The plan shall exhibit the following:

2. A detailed drawing no smaller than 1" = 200'.

3. Utility easements and connections to utilities, including fire hydrants.

4. Drainage facilities.

5. Parking lots with related drive lanes, separating isles, lighting, points of ingress and egress, etc.

6. Other requested information.

C. Other Requirements

1. All district regulations, including yard requirements, and height restrictions are to be observed.

2. General Provision requirements of Article IV, are to be observed.

3. The Planning Commission can request that architectural plans be submitted for review.

4. Internal drives and parking areas are to be constructed of crushed stone or gravel, six (6) inches in depth compacted, with a two (2) inch wearing surface of asphalt material.

5. The Planning Commission can require other improvements and exhibits in order to protect the public health and safety and to permit them to make appropriate decisions regarding the proposed development.

4.120 SUBSURFACE DISPOSAL OF TOXIC MATERIALS

The subsurface disposal of toxic materials as defined herein is prohibited in all zoning areas.

4.130 DEVELOPMENT STANDARDS FOR SANITARY LANDFILL OR HAZARDOUS WASTE FACILITY (DISPOSAL, TREATMENT, STORAGE) (Amended by Resolution, December 19, 1999)

The following land development standards shall apply to all sanitary landfills, "or hazardous waste water facility (disposal, treatment, storage)".

A. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located within six (6) miles upstream of an existing public water supply source.

B. The Dickson County Highway Department must certify that existing access roads to a proposed landfill, "or hazardous waste facility (disposal, treatment, storage", site are capable of supporting the size and volume of traffic generated by the operation of the landfill and will have no adverse impact on the traveling public using these access roads.

C. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located on property where sinkholes, caves, or caverns exist on, or near the proposed landfill site.

D. No sanitary landfill, "or hazardous waste facility (disposal treatment, storage)", shall be located on property where a spring or springs emanate from under the proposed landfill site.

E. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located on property with limestone, bedrock and fissures, cracks, and openings in the ground.

F. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in the proximity of either natural gas transmission pipelines or hazardous chemical pipelines.

G. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in an area where the General Plan of the Dickson County Regional Planning Commission provides for:

1. residential development, or

2. development for future traffic needs.

H. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in the drainage shed or water shed of a known tributary of a stream of water which supplies water to any water authority or water district.

4.140 LITTER, REFUSE, GARBAGE, JUNK AND DEBRIS CONTROL REGULATIONS (Amended by Resolution, July 18, 1991)

A. General Provisions

The following requirements shall apply to all zoning districts for the purpose of controlling the storage, placement, collection of junk, garbage, litter, refuse, rubbish, or discarded material. These regulations are promulgated under authority of ***Tennessee Code***, Section 39-3-1010.

1. No owner, occupant, or resident of any real property (land and/or building) shall permit or allow garbage, litter, rubbish, or refuse to accumulate upon or in such real property.

2. The owner, occupant, or resident of real property, where refuse accumulates or has accumulated in violation of these regulations, shall take appropriate measures to gather up or otherwise collect and remove the refuse.

3. Removal of the refuse in accordance with these regulations shall include the transfer of the refuse to an appropriate and lawful landfill or dump site, whether public or private.

4. During or after the removal of refuse in accordance with these regulations, if it become necessary to store the refuse while it awaits transfer or further collection, the refuse shall be stored in a lawful manner consistent with the nature of the refuse that does not further endanger the inhabitants of the county. Temporary storage of such collected refuse shall be permitted; however, such refuse shall be removed within five (5) days.

5. If the Planning Director determines that a violation of these regulations exists, the Director shall provide notice to the owner of record of the property upon which the conditions creating the violation is located to remedy the condition immediately within twenty (20) days. The notice shall be by personal service on the owner or by mailing by United States mail (certified, return receipt requested) to the owner of record at the last known address. If the whereabouts of such person(s) is unknown and the same cannot be ascertained by the Planning Director in the exercise of reasonable diligence, then the Planning Director shall serve notice by publishing the same in a newspaper of general circulation in the county once each week for three consecutive weeks. The above notices whether by mail or published in a newspaper, shall contain, but not be limited to the following items:

a. A brief statement identifying these regulations.

b. The person, office, address, and telephone number of the department or person giving notice.

c. The cost estimate for remedying the noted conditions which shall be in conformity with standards of cost in the county.

d. A brief statement informing the recipient of the notice that an appeal to the Dickson County Board of Zoning Appeals may be requested, said request to be received by the Planing Director in writing within twenty (20) days of receipt of the notice to the owner or date of last publication of said notice. Appeals before the Board shall conform to Section 8.070, of the zoning resolution.

e. The place where the recipient of he notice can return a copy of the notice indicating a request for hearing.

f. A brief description of the property including the property's location utilizing street address, if available, street name, and tax map and parcel numerical designations.

B. Failure to Comply

1. If a violation of these regulations is not remedied within twenty (20) days following personal service receipt of notice or completion of public notice within the newspaper, or if a hearing is not requested as stated in Section 4.140, A, 5, d, or if such violation continues for twenty (20) days following a hearing before the board, wherein the decision of the Planning Director is sustained by the board, then the Planning Director shall commence the process to remedy the condition causing the violation by one of the following methods:

   a. By contracting with a private party for the job in accordance with any purchasing laws in effect; or

   b. By reaching agreement with the chief administrative officer of the county highway department for that department to remedy the condition. If this option is used, the highway fund shall be reimbursed for the cost of the job from the general fund.

2. If the county remedies a condition causing a violation, the county shall file a certified and acknowledged copy of the Notice of Lien affecting the owners property with the County Register of Deeds after the work is completed. At the same time, the Planning Director shall send a statement by certified mail (return receipt requested) to the property owner, or if the whereabouts of the owner is unknown, publish a notice once in a newspaper of general circulation, itemizing the cost of remedying the condition causing the violation. If the owner fails to reimburse the county for the cost of removal (including publication and recording expenses) within sixty (60) days from the date of notification or publication, the monetary amount shown on the statement shall constitute a lien upon the property as of the date the notice is filed with the Register of Deeds.

3. The cost of all remedies effected by the Planning Director shall be defrayed from general fund appropriations for this purpose, but the general fund shall be reimbursed by the property owner in accordance with these regulations. Such lien shall be satisfied to the extent of the value of the consideration received at the time of any transfer of ownership of said property, and if the lien is not fully satisfied at this time of transfer, it shall remain a lien on the property until fully satisfied. If the property is not transferred within one year from the date notice is filed with the Register of Deeds, the property shall be sold by the county to satisfy the lien, following the procedure set by law for the satisfaction of other liens. The lien shall remain in effect until the sale is completed or until all appeals have been heard.

C. Appeals

The property owner may request a hearing to the board as permitted in Section 4.140, A, 5, d. Such hearing shall be held at the next meeting of the Board of Zoning Appeals after the request is made unless a later date is agreed to by the owner. Failure to make the demand for a hearing within the time limit specified shall constitute a waiver of the right to a hearing. Following the hearing, the Board may modify, dismiss, or confirm the notice. After the Notice of Lien is filed with the Register of Deeds, if such property owner is aggrieved by the amount of lien filed, such owner may submit the matter to the Chancery Court for Dickson County to determine the appropriate amount of the lien. The decision of the court may be appealed according to the Tennessee Rules of Appellate Procedure.

D. Exceptions

No provision of these regulations shall be construed as applying to any business being operated pursuant to ***Tennessee Code***, Section 68-31-101, et seq.

E. Other Procedures

Any proceedings, other than those listed herein, also shall conform to the provisions of ***Tennessee Code***, Section 39-14-504.

4.150 RESTRICTIONS FOR ADULT-ORIENTED BUSINESS ESTABLISHMENTS (Added by Resolution 1-1997-4, January 21, 1997)

The following requirements are for the location and operation of certain adult-oriented businesses, as defined in Article II, "Definitions".

A. No adult-oriented establishment shall be operated or maintained in the county within two thousand (2,000) feet, measured from building to building, of a school, church, public recreation facility, day care facility, playground, or park.

B. No adult-oriented establishment shall be operated or maintained in the county within one thousand (1,000) feet, measured from intended building to property line, of a boundary of a residential zone (R-1, R-2, R-3) or a lot devoted to residential use.

B. No adult-oriented business establishment shall be operated or maintained in the county within one thousand (1,000) feet, measured from building to building, of another adult-oriented business establishment.

4.160 GENERAL REQUIREMENTS FOR INDIVIDUAL MANUFACTURED HOMES (Added by Resolution 1-1998-3, January 22, 1998)

A. All manufactured homes must be permitted before they are moved on site. If a manufactured home is moved on site before it is permitted, the fee may be doubled as a penalty.

B. All manufactured homes will require skirting. Skirting shall be of material suitable for exterior exposure and contact with the ground. Skirting shall be installed in accordance with the skirting manufacturer's installation instructions. Skirting shall be adequately secured to assure stability, to minimize vibration and susceptibility to wind damage, and to compensate for possible frost heave.

C. All manufactured homes needing repairs must have all repairs completed within thirty (30) working days of the date the home is permitted. If repairs are not completed, all permits issued by Dickson County Planning & Zoning will become void.

D. All manufactured homes must meet all applicable codes within sixty (60) days of the date of issuance of permit. If all codes are not met, all permits issued by Dickson County Planning & Zoning will become void.

E. If a manufactured home does not have a certification label, the interior of the home must be inspected by Dickson County Planning & Zoning in conjunction with the exterior inspection. The interior of the home will have to meet all applicable codes such as, but not limited to smoke detectors and ingress-egress requirements.

1. Certification label must be a permanent label affixed to each transportable section of each manufactured home for sale or lease. This label shall be separate and distinct from the data plate which the manufacturer is required to provide.

2. The label shall be approximately two (2) inches by four (4) inches in size and shall be permanently attached to the manufactured home by means of four (4) blind rivets, drive screw, or other means that render it difficult to remove without defacing the label. The label shall be etched on 0.32 inch thick aluminum plate. The label number shall be etched or stamped with a 3-letter designation which identifies the production inspection. Each label shall be marked with a six (6) digit number which the label supplier shall furnish. The labels shall be stamped with numbers sequentially.

3. <u>The label shall read as follows</u>:

   As evidenced by this Label No. ABC 000001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this manufactured home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal manufactured home construction and safety standards in effect on date of manufacture.

4. The label shall be located at the tail-light end of each transportable section of the manufactured home approximately one (1) foot up from the floor and one (1) foot

in from the road side, or as near that location on a permanent part of the exterior of the manufactured home unit as practicable. The road side is the right side of the manufactured home when one views the manufactured home from the two bar end of the manufactured home.

4.170 STANDARDS FOR TELECOMMUNICATION ANTENNAS AND TOWERS (Entire Section Added by Resolution 3-1998-9, March 19, 1998)

Purpose; Goals: The purpose of this resolution is to establish general guidelines for siting of towers and antennas. The goals are to:

A. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community.

B. Encourage strongly the joint use of new and existing tower sites.

C. Encourage users of the towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal.

D. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.

E. To enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

1. Authority

a. District Height Limitations

The requirements set forth in this resolution shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

b. Public Property

Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this resolution, provided a license or lease authorizing such antennas or the governing authority has approved tower.

c. Amateur Radio: Receive--Only Antennas

This resolution shall not govern any tower, or the installation of any antennas, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

d. Pre-Existing Towers and Antennas

Any tower or antenna on for which a permit has been properly issued prior to the effective date of this resolution shall not be required to meet the

requirements of this resolution. Any such towers or antennas shall be referred to in this resolution as "pre-existing towers" or "pre-existing antennas". Any antennas to be added to an existing tower will have to comply with any and all regulations set forth in this resolution.

3. Requirements

a. Towers shall be located where there shall be no interference with any type of electronic reception in nearby residential areas.

b. There shall be sufficient radius of unimproved land around the tower to ensure its collapse will be contained within that unoccupied area. The radius shall be determined by measuring the proposed height of the tower and adding any additional height required accommodating all proposed antennas and other appurtenances. Applicant shall provide proof of ownership, lease or permanent easement rights for the designated collapse area.

c. Lot area used for site of tower shall be a ratio of length not to exceed width of lot more than four (4) times.

d. There shall be maneuverable room for maintenance vehicles on the property.

e. Site area shall be entirely enclosed by a chain link fence of not less than six (6) feet in height with a self-latching gate and three (3) rows of barbed wire above perimeter of entire fenced area. Gate shall be pad locked at all times when tower is not being maintained. Maintenance shall be shared equally among users.

f. Grounds immediately surrounding tower site and ground inside fenced area shall be maintained at all times. Site is to be maintained in compliance with the current Dickson Zoning laws.

g. On the exterior side of chained link fence, landscaping shall be required of shrubs not less than two (2) feet in height not to exceed eight (8) feet in height and shall be trimmed at all times to prevent an interference which may occur.

h. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

i. On site buildings shall be used for storage of necessary on site equipment only and shall be built of concrete block.

j. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

k. Road or easement to the tower site shall be maintained by the owner of the tower or the owner of the property and shall be maintained by said party until notice is given to the Planning and Zoning Department that said tower is no longer in use. This road or easement shall be a private road which is

used as access to the tower and shall never under any circumstances become a county accepted or maintained road. If several users share the tower, the expense of the road shall be shared equally among users.

l. All tower users are required to obtain a permit from the Planning and Zoning Department, 4 Court Square, Charlotte, Tennessee, after approval from all necessary Boards have been granted. All inspections are to be called for by the user and/or their contractor. All inspections are to be approved before any tower or antenna can be used. Inspection procedures can be obtained in the Planning and Zoning Department.

m. Lighting of towers is prohibited, unless required by the Federal Aviation Administration (FAA) and/or the Federal Communications Commission (FCC).

n. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If such governments and regulations are changed, then the owners of the tower and antennas governed by this resolution shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners' expense.

o. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment compatible. An inventory and map of all existing towers, public and private airports, heliports and landing strips within one-half (1/2) mile of the proposed site shall be submitted with application for special exception request. The inventory shall include information on the location, height and design of each tower and/or type of aircraft facilities.

p. Written evidence that the applicants has explored and exhausted all attempts to locate or co-op its antenna on all existing towers or structures within one-half (1/2) mile of the proposed site shall be submitted to the Planning and Zoning Department at the time of application for a special exception request. New towers may be permitted if the applicant demonstrates to the Board of Zoning Appeals that no existing tower or structure can accommodate the applicant's proposed antenna, because of the following conditions:

    i. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

    ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

    iii. Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.

iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower.

v. Any claim by the applicant that fees, costs or contractual provisions required sharing an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable.

q. Any antenna or tower not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove tower or antenna within ninety (90) days of receipt of notice from the building inspector. If said tower is not removed within the ninety (90) day period, penalties and costs shall be imposed by the Director of Planning and Zoning and prior approval by the Board of Zoning Appeals shall be rescinded.

r. 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.

s. A building permit shall be required before any construction of a tower or antenna shall begin. Said permit shall be based on two and one-half (2 1/2) percent of the actual cost of the construction of tower or antenna. A document submitted by the developer shall be notarized and submitted at the time of issuance of permit enabling planning and zoning staff to establish cost of permit.

t. An annual site inspection fee of five hundred dollars ($500.00) will be assessed each year for every tower established in Dickson County, Tennessee. Annual fee will be due and payable on **January 15**, of each year. If several users share a tower, each user is required to pay the five hundred dollars ($500.00) annual fee individually.

4. Plat Requirements

a. A play of the purposed tower site shall be submitted to the Dickson County Planning Commission, after review from the Dickson County Board of Zoning Appeals, and shall include the following information, but shall not be limited to:

i. Name, address, telephone number, and contact person of the purposed user.

ii. Name, address, telephone number, and contact person of construction drawings.

iii. Name, address and telephone number of property owner.

iv. Name, address and telephone number of construction tower contractor.

v. Legal description of proposed property to be used for tower site.

vi. Vicinity of proposed area in conjunction with the county.

vii. Access to the purposed site and description.

viii. Type of tower proposed, tower height and area of collapsing.

ix. Surrounding property owners' names and all buildings on purposed site.

x. Any public utilities shown and all public utility easements described.

xi. Scale of plat.

xii. Existing public roads and right-of-ways, including private roads.

xiii. Excavation, grading, concrete and structural steel notes, if any.

xiv. Staking, erosion and sediment control plans.

xv. Radio frequency coverage.

xvi. Setbacks.

xvii. Parking, landscaping, buffer strips, if required, and adjacent uses.

xviii. If a buffer is required, appropriate licensed professionals shall seal all documentation of the site plan.

xix. Required fall zone shall be shown.

xx. Plat shall remain on file in the Planning, Zoning and Codes Department.

xxi. Any and all other information deemed by the governing authority to be necessary to assess compliance with this resolution.

5. Uses Permitted

a. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure.

b. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower and said existing tower is not a pre-existing tower, provided however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

6. Other

a. No new tower shall be permitted, unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

i. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

iv. The applicant's proposed antenna would cause electromagnetic interference with the existing towers or structures would cause interference with the applicant's proposed antenna.

v. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

7. Setbacks and Separation

a. The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided however, that the governing authority may reduce the standard setbacks and separation requirements, if the goals of this resolution would be better served, thereby.

i. Tower guy and accessory facilities must satisfy the minimum zoning district setback requirements.

ii. In zoning districts, other than industrial zoning districts, towers over ninety (90) feet in height shall not be located within one-fourth (1/4) of a mile from any existing tower that is over ninety (90) feet in height.

4.180 STANDARDS FOR BED AND BREAKFAST ESTABLISHMENT (Added by Resolution 05-2005-1, May 16, 2005)

All guest quarters shall be housed within a single principal structure. A single principal structure to be used as a bed and breakfast establishment shall utilize a single roofing system and shall not include any portions of the structure attached by a breezeway.

4.190 STANDARDS FOR COMMERCIAL FEED LOTS, FISHERIES, AND HATCHERIES (Added by Resolution 05-2005-1, May 16, 2005)

Setbacks: There shall be a minimum distance of two hundred (200) feet between any area used as a commercial feed lot, a fishery, or a hatchery to any adjacent residential zoning district or any platted lot of record.

4.200 SPECIAL REQUIREMENTS FOR RIDING STABLES (Added by Resolution 05-2005-1, May 16, 2005)

A. **Minimum Lot Area**: There minimum lot area for a riding stable shall be fifteen (15) acres.

B. **Setbacks**: There shall be a minimum distance of one hundred-fifty (150) feet distance between manure storage areas, barns or stables to any residential dwelling.

C. **Dust**: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

4.210 DRAINAGE AND STORM SEWERS (Added by Resolution 1-2008-5, January 22, 2008)

It is the intention of these regulations that both the **rate** and **the total amount** of storm water run-off from development sites be minimized. In general, the primary design concept for storm water management within new developments is to be premised on use of open space for detention, retention and aquifer recharge. This approach is intended to maximize on-site infiltration of storm water directly into the community's aquifer recharge system and thereby reduce the need for costly, large-scale storm water collection systems while simultaneously making dual use of open area as "rain gardens" and bio-retention areas.

A. Drainage Plans Required

Any development requiring a Site Plan as per Section 3.120, of this Zoning Resolution, that will have a total impervious area including all buildings, parking lots, and drive areas of over twenty thousand (20,000) square feet shall be required to submit a storm water drainage plan. Likewise, any construction project regulated by this Zoning Resolution that disturbs more than twenty thousand (20,000) square feet of topsoil shall submit an erosion control plan. Such plans shall be conducted by a Registered Engineer licensed by the State of Tennessee.

Drainage plans shall be based on both a two (2) year and a ten (10) year rain event so that no additional off-site runoff to adjacent properties will occur in either rain event.

B. Nature of Storm Water Facilities

1. Location

The developer may be required by the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either or prior to or as a result of a development. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with approved Construction Plans.

2. Accessibility to Public Storm Sewers

a. Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to approval by the Planning Commission.

b. If a connection to a public storm sewer will eventually be provided, as determined by the Planning Commission, the subdivider shall make arrangements for future storm water disposal by a public utility system at the time the site plan receives final approval.

3. Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The engineer designing the development shall determine the necessary size of the facility, based on generally accepted engineering practices and assuming conditions of maximum potential watershed development permitted by applicable zoning regulations.

4. Effect on Downstream Drainage Areas

The Planning Commission may also require that any drainage study for a proposed development consider the effect to adjacent property of the drainage discharge location. Where it is anticipated that the location of an outlet or other discharge point will cause erosion on adjacent property the Planning Commission may withhold approval of the development until provision has been made for adequate improvement of such drainage facilities. No development shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

C. Dedication of Drainage Easements

1. General Requirements

Where a subdivision is traversed by a watercourse, drainageway channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate for the purpose. Where open drainageways are utilized they shall be designed for the twenty-five (25) year design flood.

2. Drainage Easements

a. Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a street right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the street lines and with satisfactory access to streets. Easements shall be indicated on the Site Plan. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.

b. When a new drainage system is to be constructed which will carry water across private land outside the development, appropriate drainage rights must be secured and indicated on the Site Plan or otherwise documented as needed.

c. The applicant shall dedicate, when required by the Planning Commission, either in fee, or by drainage or conservation easement, the land on both sides of existing watercourses to a distance to be determined by the Planning Commission.

d. Along watercourses, low-lying lands within any floodway, as has been determined by the Planning Commission pursuant to these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

3. Ditching

Any drainage ditches proposed to be constructed adjacent to roadway shoulders shall be graded in their entirety during the time in which roadways are being graded along with any proposed culverts under or adjacent to the roadway. Grading is to be completed prior to final inspection of the roadways.

4. Concrete Ditch Paving

Any drainage plan proposing the construction of paved ditches shall be on a prepared subgrade. The subgrade shall be shaped and compacted to a firm even surface. All soft material shall be removed and replaced with suitable material and compacted. Concrete ditch pavement shall be four (4) inches in thickness throughout and shall be backfilled immediately after the concrete has set and the forms removed. The backfill material shall be thoroughly compacted. Expansion joints shall be appropriately located.

5. Culverts and Storm Drains

Pipe culverts and storm drains shall be installed as shown on the Site Plan and/or Construction Plans. All pipes and storm drains shall be designed according to generally accepted engineering practices. Concrete headwalls shall be constructed at both ends of cross drains.

D. Erosion Control Plans

Any construction project regulated by this Zoning Resolution that disturbs more than twenty thousand (20,000) square feet of topsoil shall submit an erosion control plan. Such plan shall feature all elements included in permits required by the State of Tennessee as part of the Clean Water Act. The plan shall insure that soil does not erode off of the site. Dickson County may take any enforcement measures allowed under this Zoning Resolution to insure that soil does not erode from the site including insuring that elements of the erosion control plan are properly installed and maintained.

4.300 RULES AND REGULATIONS OF WATER WELLS AND USE OF SPRINGS
(Added by Resolution 11-2011-1, November 25, 2011)

PURSUANT TO THE AUTHORITY GIVEN IN THE ORDINANCES OF DICKSON COUNTY WHICH ESTABLISHED THE DICKSON COUNTY PLANNING AND ZONING, TO CONTROL AND REGULATE THE LOCATION AND CONSTRUCTION OF WATER WELLS AND USE OF SPRINGS IN IDENTIFIED AREAS OF DICKSON COUNTY.

4.311 GENERAL PROVISIONS

A. Statutory Authority

Dickson County establishes and adopts the following regulations in accordance with the authority granted by the ordinances of Dickson County and the municipalities therein which established the Dickson County Planning and Zoning Department; hereafter, "Department".

B. Scope and Applicability

1. No new water wells may be placed in service within the areas designated "Dickson County Landfill" and "Affected Area" as those two areas are identified on the figure entitled Environmental Risk Area, Dickson County, Tennessee, dated November 22, 2006, attached hereto as Exhibit 1.

2. A new water well shall not be placed in service within identified environmental risk areas, unless the property owner can demonstrate to the Department that the water meets or can be treated to meet applicable drinking water quality criteria (i.e., the criteria for Domestic Water Supply, as set forth in Tennessee Rule Chapter 1200-4-3-.03 (1)) and that no other source of drinking water is available.

3. A spring shall not be placed in service as a drinking water source within the areas designated "Dickson County Landfill" and "Affected Area" as those two areas are identified on the figure entitled Environmental Risk Area, Dickson County, Tennessee, dated November 22, 2006, attached hereto as Exhibit 1.

4. A spring shall not be placed in service as a drinking water source within identified environmental risk areas, unless the property owner can demonstrate to the Department that the water meets or can be treated to meet applicable drinking water quality criteria (i.e., the criteria for Domestic Water Supply, as set forth in Tennessee Rule Chapter 1200-4-3-.03 (1)) and that no other source of drinking water is available.

4.312 SHORT TITLE

Rules and Regulations of Water Wells and Use of Springs in Dickson County, Tennessee

4.313 GENERAL REQUIREMENTS AND PROCEDURES

A. Applications

1. Any person requesting to use a spring as a drinking water source or requesting the installation of a water well within identified environmental risk areas of Dickson County shall make application for permit to the Department.

2. A permit for the installation of a water well may be obtained from the Department, and if granted, such permit shall be in force and in effect for one hundred and eighty (180) days from the date of its issuance. If work has not commenced within 180 days of issuance, an extension may be granted by the Department upon request by the applicant. In addition, the Tennessee Water Well Act (T.C.A 69-10-111) requires that a Notice of Intent (NOI) be submitted to the Tennessee Division of Water Supply, Water Well Program. A copy of the NOI shall be included with the well application to the Department.

3. The Department shall issue a notice of rejection whenever it determines that an application for a permit fails to meet the requirements of these Rules and Regulations, or any rules, order, regulation or standard adopted pursuant thereto; or, if it is determined by the Department that an adequate water supply is otherwise available to the premise without the need to construct a well or use a spring.

B. Permits Required

1. A permit shall be obtained from the Department prior to beginning the installation of a water well or use of a spring within identified environmental risk areas of Dickson County.

2. If an application is approved by the Department, the applicant shall be issued a permit. Receipt of the permit shall constitute permission to begin construction.

3. Such permits may be revoked by the Department upon the violation by the holder of any terms of the permit or these Rules and Regulations, or in any emergency, or when the continued operation of the water supply for any reason shall constitute a health hazard. The holder of such permit, after such revocation, shall have the right of appeal.

C. Well Driller

1. All water wells to be constructed in Dickson County shall be only by persons having a valid license under the TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, Division of Water Supply.

2. It shall be the well driller's duty to inform persons requesting the services of his company as to the requirements of these Rules and Regulations.

4.314 CONSTRUCTION AND TESTING STANDARDS FOR WATER WELLS AND SPRINGS

A. General

All wells shall be constructed in a manner that will guard against contamination of the groundwater aquifers underlying Dickson County and must, at a minimum, comply with the standards as established in the RULES OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, DIVISION OF WATER SUPPLY, CHAPTER 1200-4-9, entitled WATER WELL LICENSING REGULATIONS AND WELL CONSTRUCTION STANDARDS. When deemed necessary, the Department may require standards and specifications to be more stringent than those required by the State of Tennessee.

B. Siting Criteria

A water well cannot be sited or placed in service within designated environmental risk areas, unless the property owner can demonstrate to the Department that the water meets or can be treated to meet applicable drinking water quality criteria (i.e., the criteria for Domestic Water Supply, as set forth in Tennessee Rule Chapter 1200-4-3-.03 (1)) and that no other source of drinking water is available.

C. Testing of Water Wells

1. If a new water well is installed within designated environmental risk areas laboratory analytical testing of the well shall be performed by the property owner. Upon completion, disinfection of the water well shall be performed in accordance with Tennessee Water Well Licensing Regulations and Well Construction Standards (Chapter 1200-4-9-.12). After disinfection all water in the well and supply system shall be pumped free of residual chlorine and a sample of fresh water from the well shall be collected. The sample shall be collected at the well head prior to any treatment (e.g., carbon filter, sand filter, UV, ozone, etc.). The water sample shall be tested by an analytical laboratory approved by the State of Tennessee for bacteriological, volatile organic compounds (VOCs) and/or other analysis designated by the Department. The result shall be required to meet applicable water quality criteria for coliform bacteria, VOCs or other parameters analyzed prior to putting the well into service. A well shall not be used as a drinking water source until a sample has been collected which produces acceptable results or the property owner has determined that treatment is required to meet applicable drinking water quality criteria (Chapter 1200-4-3.03 (1)).

   At least 60 days after and not more than 120 days after installation of a pump, an additional sample shall be collected from the well. The sample shall be collected by the property owner at the well head prior to any treatment (e.g., carbon filter, sand filter, UV, ozone, etc.). The water sample shall be tested by an analytical laboratory approved by the State of Tennessee for bacteriological, VOCs and/or other analysis designated by the Department. The result shall be required to meet applicable water quality criteria for coliform bacteria, VOCs or other parameters.

At a minimum, the property owner shall perform annual analytical testing of the water well. The sample shall be collected at the well head prior to any treatment (e.g., carbon filter, sand filter, UV, ozone, etc.). The water sample shall be tested by an analytical laboratory approved by the State of Tennessee for bacteriological, VOCs and/or other analysis designated by the Department. The result shall be required to meet applicable water quality criteria for coliform bacteria, VOCs or other parameters.

The property owner shall provide a copy of all analytical test results to the Department within ten days of receipt by the property owner.

2. The new water well shall be provided with a faucet or tap on the well discharge line at or near the well head, prior to treatment equipment, for the collection of water samples. The faucet shall be labeled "Test Port – Not for Use".

D. Construction Materials And Other Requirements

All materials, components, parts, etc., used in the installation of a water well or any other type of well, such as the casing, screen, pumping equipment, pressure tank, wiring, pipe, and any other such components, must comply with the standards as established in the, RULES OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, DIVISION OF WATER SUPPLY, CHAPTER 1200-4-9, entitled WATER WELL LICENSING REGULATIONS AND WELL CONSTRUCTION STANDARDS. When deemed necessary, the Department may require standards and specifications to be more stringent than those required by the State of Tennessee.

E. Testing of Springs

If a spring within designated environmental risk areas is to be used as a drinking water source, laboratory analytical testing of the spring shall be performed by the property owner. The sample shall be collected as close as practicable to the point of spring discharge. The water sample shall be tested by an analytical laboratory approved by the State of Tennessee for bacteriological, VOCs and/or other analysis designated by the Department. The result shall be required to meet applicable water quality criteria for coliform bacteria, VOCs or other parameters analyzed prior to using the spring as a drinking water source. A spring shall not be used as a drinking water source until a sample has been collected which produces acceptable results or the property owner has determined that treatment is required to meet applicable drinking water quality criteria (Chapter 1200-4-3.03 (1)).

At least 60 days after and not more than 120 days after installation of a pump in the spring, an additional sample shall be collected from the spring. The sample shall be collected as close as practicable to the point of spring discharge prior to any treatment (e.g., carbon filter, sand filter, UV, ozone, etc.). The water sample shall be tested by an analytical laboratory approved by the State of Tennessee for bacteriological, VOCs and/or other analysis designated by the Department. The result shall be required to meet applicable water quality criteria for coliform bacteria, VOCs or other parameters.

At a minimum, the property owner shall perform annual analytical testing of the spring. The sample shall be collected as close as practical to the point of spring discharge prior to any treatment (e.g., carbon filter, sand filter, UV, ozone, etc.). The water sample shall be tested by an analytical laboratory approved by the State of Tennessee for bacteriological, VOCs and/or other analysis designated by the Department. The result shall be required to meet applicable water quality criteria for coliform bacteria, VOCs or other parameters.

The property owner shall provide a copy of all analytical test results to the Department within ten days of receipt by the property owner.

4.315 INSPECTIONS

A. During the construction, modification, repair, or abandonment of any well the Department may, but is not required to, conduct such periodic inspections as it deems necessary to insure conformity with applicable standards. Duly authorized representatives of the Department may, at reasonable times, enter upon and shall be given access to any premise for the purpose of such inspection.

B. All private water supplies may be subject to inspection by the Department and when deemed necessary, said supplies shall be made available for the collection of samples in order to determine the quality of the supply.

C. Use of a private water supply may be terminated by the Department when, in the judgment of the Department, the continued operation of the water supply for any reason constitutes a health hazard or an emergency. The property owner of the water supply, after such termination, shall have the right of appeal.

D. Nothing in this Section shall require testing or monitoring of private water supplies by the Department.

E. Water wells shall be abandoned in accordance with standards as established in the, RULES OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, DIVISION OF WATER SUPPLY, CHAPTER 1200-4-9, entitled WATER WELL LICENSING REGULATIONS AND WELL CONSTRUCTION STANDARDS.

4.316 VARIANCES

A. Appeals Procedure

1. Any person who feels aggrieved by an order of the Department issued pursuant to these Rules and Regulations shall be entitled to a hearing before the Board of Zoning Appeals (Board) upon written request.

2. The Board shall have and exercise the power, duty and responsibility to hear and decide all matters concerning a variance to or an exception taken to any decision, ruling, requirement, rule, regulations or order of the Department. Such appeal shall be made within fifteen (15) days after receiving notice of such decision, ruling,

requirement, rule, regulation, or order by filing a written notice of appeal directly to the Board specifying the grounds thereof and the relief requested. Such an appeal shall act as a stay of decision, ruling, requirement, rule, regulation, or order in question until the Board has taken formal action on the appeal, except when the Department has determined that a health hazard exists. The Department shall, not less than thirty (30) days after the date of the receipt of the notice of appeal, set a date for the hearing and shall give notice thereof by certified mail to the interested parties.

4.317 RULES AND REGULATIONS OF THE DEPARTMENT

The Department shall adopt and amend rules and regulations reasonably necessary to effectuate the policy and standards and intent declared by these Rules and Regulations, not inconsistent with these Rules and Regulations or with the Constitution or laws of the State.

4.318 CONSTITUTIONALITY OF ORDINANCE

If any part or parts of these Rules and Regulations shall be declared unconstitutional it shall not affect the validity of any other part of these Rules and Regulations.

4.319 CONFLICT OF LAWS

All laws and parts of laws in conflict with the provisions of these Rules and Regulations shall be repealed upon adoption of these Rules and Regulations.

4.320 ENFORCEMENT AND PENALTIES

A. Enforcement

1. If the Department determines that the holder of any permit issued pursuant to these Rules and Regulations has violated any provisions of this act, or any rule or regulation adopted pursuant thereto, the Department may suspend or revoke any such permit. The Department may place on probation a well driller or property owner whose permit has been suspended. The Department may reprimand a permittee for a violation of this act or a rule or regulation adopted pursuant to these Rules and Regulations.

2. The Department may petition a court of competent jurisdiction for injunctions or other appropriate relief to enforce the provisions of these Rules and Regulations. The attorney of the appropriate jurisdiction shall represent the Department when requested to do so.

3. Any person who willfully violates any of the provisions of these Rules and Regulations shall be penalized as specified in Section 10.02.

4. Any property owner who knowingly causes or permits a hazardous or potentially hazardous condition to exist due to well construction or any other reasons as outlined in these Rules and Regulations which could cause deterioration of

groundwater aquifers in the system shall forfeit his right to an approved, certified permit. He shall also be liable to enforcement action.

B. Penalties

The well driller or any other person who fails to comply with these Rules and Regulations or the rules and regulations promulgated hereunder may be subject to a fine of a minimum of twenty-five dollars ($25) per day or a maximum of five hundred dollars ($500) per day and each day such violation of these Rules and Regulations occur shall constitute a separate offense.

4.321 DEFINITIONS

Board - Dickson County Board of Zoning Appeals

Commercial Well - A well constructed for the purpose of providing groundwater to a commercial business or public facility for use as a potable water supply when public water is not available; for air conditioning, and other heat exchange systems; sprinkler systems for landscaping and other land beautification uses; nurseries; filling and retaining levels of lakes in subdivisions, apartment complexes, and similar multiple dwelling facilities; and any other such commercial uses.

Contamination - Alteration of the physical, chemical, or biological quality of the water so that it is harmful or potentially dangerous to the health of the users or for the intended use of the water, or to the extent it poses a danger of polluting the groundwater aquifers.

Cross Connection - An actual or potential connection, arrangement or condition by or through which a supply of potable water could be contaminated, polluted or infected.

Department - The Dickson County Planning and Zoning.

Domestic Well - A well constructed for the primary purpose of providing a source of drinking water to a single family residence.

Emergency - A condition that threatens the public health or welfare.

Environmental Risk Area - Any area within a 3,000-foot radius of (1) a federal National Priority List site, (2) a promulgated State Superfund site, (3) a CERCLIS site, (4) a Resource Conservation and Recovery Act corrective action site, or (5) the area designated "Affected Area" as identified on the figure entitled Environmental Risk Area, Dickson County, Tennessee dated November 22, 2006.

Justifiable Need - A genuine need for a private water supply as determined by Dickson County Planning & Zoning and, which need is based upon the availability of an adequate water supply to the premise whether from a public source or from an existing spring or well that can produce the needed volume of water.

Municipality - A political unit having corporate status and powers of self-government and includes any other form of government within the political jurisdiction of Dickson County.

Permit - An official document issued by the Department granting the specific activity set forth in the document.

Person - Any individual, firm, association, organization, partnership, business, institution, enterprise, municipality, commission, political subdivision or duly established entity, trust, corporation, company, contractor, supplier, installer, user or owner, or any Federal, State or Local government agency or public district or any officer or employee thereof.

Potable Water Supply - Any source of water which is satisfactory for drinking, culinary, and domestic purposes, and meets the requirements of the Department.

Premise - A tract of land with the buildings thereon.

Private Water Supply - Any groundwater supply located on a premise that is not obtained from a public water system.

Property Owner - Any person or his legal representative, agent, or assign who owns, leases, operates, or controls any parcel of land where a well or spring is or may be located.

Public Water Supply - Any publicly or privately owned water system operating as a public utility which operates fifteen (15) or more service connections or regularly serves twenty-five (25) people sixty (60) or more days per year.

Quasi-Public Water Supply - A water supply used or made available by a person to his employees, tenants, members or guests for drinking; or in connection with the manufacturing or handling of ice, foods, or drinks, such as candy, ice cream, milk, ice bottled drinks, and any other food or drink products. The source of quasi-public water supply may be a private well, or the public water supply.

Reasonable Use - That use of water which is ordinarily required by industries, firms, and individuals in the usual operation of their business or residence.

Repair - Any modification, replacement, or other alteration of any well, or pumping equipment which requires a breaking or opening of the well seal or any waterlines up to and including the pressure tank and any coupling appurtenant thereto.

Site - Any one legal unit of a subdivision, parcel of land, or location where well drilling activities or spring use are to take place.

Spring - A place where ground water flows naturally from a rock or the soil onto the land surface or into a body of surface water.

Utilities - Any power lines or underground cables which supply electrical power, telephone lines, cable television lines, natural gas lines, water mains, water lines, or sewer lines.

Water Well - Wells which are constructed and so equipped with casings, screens, pumps, fittings, etc., and have been developed for the primary purpose of producing a supply of water regardless of the intended usage for said supply.

DELETED ARTICLE V, IN ITS ENTIRETY AND REPLACED WITH NEW TEXT BY RESOLUTION 05-2005-1, MAY 16, 2005

ARTICLE V

ZONING DISTRICTS

SECTION

5.010 Classification of Districts
5.020 Dickson County Zoning Map
5.030 Zoning District Boundaries
5.040 Specific District Regulations
- **5.041 A-1, Agricultural District**
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- **5.044 R-3, Residential District**
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- **5.046 C-2, General Commercial District**
- **5.047 M-1, General Industrial District**
- **5.048 Residential Planned Unit Development District**

5.010 CLASSIFICATION OF DISTRICTS

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

Zoning District	Abbreviation
Agricultural District	A-1
Residential District	R-1
Residential District	R-2
Residential District	R-3
Residential PUD Districts	R-1 PUD/R-2 PUD
Rural Center District	C-1
General Commercial District	C-2
General Industrial District	M-1

Refer to Dickson County Floodplain Zoning Resolution for Floodplain Districts.

5.020 DICKSON COUNTY ZONING MAP

The location and boundaries of the zoning districts by this resolution are bounded and defined as shown on the map entitled the Official Zoning Map of Dickson 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 Dickson County Planning Director and shall be available for inspection by the public at all reasonable times, as long as this resolution remains in effect.

5.030 ZONING DISTRICT BOUNDARIES

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

Where a district boundary line divides a lot which was in single ownership at the time of passage of this resolution, the regulations for either portion of the lot not exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

Where the property on one side of a street between two 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 and 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 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 the 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 SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the nine (9) zoning districts established in Section 5.010, of this resolution:

5.041 A-1, AGRICULTURAL DISTRICT

A. District Description

This district is intended to be utilized in areas where development of a suburban density is undesirable or unfeasible. In addition, a primary objective of the A-1 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-1 District, as defined on the Zoning Map of Dickson County, Tennessee.

B. Uses Permitted

In the A-1, Agricultural District, the following uses and their accessory uses are permitted.

1. Agricultural and forestry uses and their accessory structures.

2. Detached single-family and duplex dwellings

3. Mobile home.

4. Agricultural processing including cotton ginning and compressing, corn shelling, hay bailing and threshing services.

5. Forestry activities

6. Animal husbandry services

7. Veterinary clinic

8. Public and informational signs and billboards as regulated in Article IV, Section 4.070.

9. Essential utilities

10. Public recreational facilities.

12. Public schools (K-12)

13. Public libraries

14. Fire stations

13. Customary home occupation as regulated in Article IV, Section 4.040.

14. Roadside stands for the sale of food and agricultural products.

15. Family burial grounds.

16. Type II, Home Occupations

C. Uses Permitted as Special Exceptions

In the A-1, Agricultural District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 8.060.

1. Church or other places of assembly.

2. Veterinary hospital, Riding stable, and kennels.

3. Marinas.

4. Fisheries/Hatcheries

5. The surface and subsurface mining or quarrying of natural mineral resources and/or the storage of natural mineral resources.

6. Private schools (PreK-12), private libraries

7. Neighborhood shopping facilities provided the total space devoted to retail sales does not exceed four thousand (4,000) square feet.

8. Private recreational facilities other than those permitted, Bed and Breakfast

9. Governmental services

10. Cemeteries.

11. Airports.

12. Commercial feed lots.

13. Placement of a second mobile home on a single lot.

15. Family child care homes.

16. Group child care homes.

17. Day care centers.

18. Group child care homes and day care centers that are secondary to churches or educational institutions.

19. Secondary Utilities

D. Uses Prohibited

In the A-1, Agricultural District, all uses except those uses or their accessory uses specifically permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations

All uses permitted in the A-1, Agricultural District, shall comply with the following requirements, except as provided in Article VI.

1. **Front Yard** - The minimum depth of the front yard shall be fifty (50) feet when said property fronts an existing public road of record on the most recent County Thoroughfare Plan. Otherwise, the setback line will be seventy-five (75) feet from the center line of the access road or easement. (If a question arises as to the front, the County Planning Director shall have the authority to make said determination.)

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

3. **Side Yard** - The side yard shall be a minimum of twenty (20) feet for a single story structure plus an additional five (5) feet for each additional story.

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 one (1) acre in area. However, where there is an existing lot of record of less than one (1) acre on the date of adoption of this zoning resolution, this lot may be utilized for the construction of one single-family dwelling. In the event that the property proposed to be subdivided is less than five (5) acres in area, then a soils analysis of the property must be conducted and the results of such an

analysis shall be transmitted to the Dickson County Environmentalist. If the results of the soils analysis indicate compliance with the required standards of the Tennessee Environment and Conservation, the Dickson County Environmentalist shall submit a written statement certifying same to the Dickson County Planning Director. Upon receipt of such a certification from the Dickson County Environmentalist, the Dickson County Planning Director shall issue a Development Permit to the applicant, providing all the provisions of the Dickson County Zoning Resolution are met. In the event the results of the soils analysis or other tests that may be required, do not meet the required standards of the Tennessee Environment and Conservation, the Dickson County Environmentalist shall submit to the Dickson County Planning Director, prior to the issuance of a Development Permit, a written opinion, in lieu of a certification, which shall define what lot size or configuration, or both, shall be necessary to meet the required standards. In the event that an opinion is submitted in lieu of a certification by the Dickson County Environmentalist to the Planning Director, the Planning Director shall notify the applicant of the necessary lot size or configuration, or both, based upon the aforementioned Dickson County Environmentalist's written opinion. The Planning Director shall not issue a Development Permit until the necessary changes have been made and the Environmentalist submit to the Planning Director a certification that with these changes the standards of the Tennessee Environment and Conservation have been met.

a. Day care centers shall have a minimum lot size of two (2) acres. The size of the day care center shall be limited to twelve (12) children per acre.

5. **Lot Width** - No lot shall be less than one hundred (100) feet wide at the building setback line.

6. **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, and agricultural buildings, i.e., barns, silos, etc.

7. **Parking Space Requirements** - As regulated in Article IV, Section 4.010.

5.042 R-1, RESIDENTIAL DISTRICT

A. District Description

The R-1, Residential District, is intended to provide areas which are suitable for low-density single family residential development. This district is particularly suitable for areas adjacent to or near urban areas, where an adequate public water supply or public wastewater service is available. The following regulations shall apply in the R-1, Residential District, as defined on the Zoning Map of Dickson County, Tennessee.

B. Uses Permitted

In the R-1, Residential District, the following uses and their accessory uses are permitted:

1. Detached single-family dwellings, excluding mobile homes

2. Customary home occupation as regulated in Article IV, Section 4.040.

3. Child Care Homes and Day Care Centers as part of a planned unit development.

4. Essential Utilities

C. Uses Permitted as Special Exception

1. Churches and other places of assembly.

2. Public and private recreation facilities.

3. Cemeteries as accessories to churches

4. Governmental Services.

5. Family Child Care Homes.

6. Group Child Care Homes and Day Care Centers that are secondary to Churches or Educational Institutions.

D. Uses Prohibited

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

E. Dimensional Regulations

All uses permitted in the R-1, Residential District, shall comply with the following requirements, except as provided in Article VI.

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 (30) feet for the principal structure and fifteen (15) additional 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.

4. **Land Area** - No lot or parcel of land shall be reduced in size to provide separate lots of building sites of less than twenty thousand (20,000) square feet area.

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 of 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 one hundred (100) feet wide at the building setback line.

7. **Height Requirements** - No building shall exceed three (3) stories on thirty-five (35) feet in height, except as provided in Article VI, Section 6.030.

8. **Parking Space Requirements** -As regulated in Article IV, Section 4.010.

5.043 R-2, RESIDENTIAL DISTRICT

A. District Description

The R-2, Residential District is intended to provide areas which are suitable for low-density single and multiple family residential development. This District is particularly suitable for areas adjacent to or near urban areas, where an adequate public water supply or public wastewater service is available. The principal uses of land range from single family to multi- family apartment uses. The following regulations shall apply in the R-2, Residential District, as defined on the Zoning Map of Dickson County, Tennessee.

B. Uses Permitted

In the R-2, Residential District, the following uses and their accessory uses are permitted:

1. Detached Single Family Dwelling

2. Duplex Dwelling

3. Apartment Dwelling

4. Rooming and Boarding Houses

5. Essential Utilities

6. Group Housing Development

7. Customary Home Occupation as regulated in Article IV, Section 4.040.

8. Child Care Homes and Day Care Centers as part of a Planned Unit Development.

C. Uses Permitted as Special Exceptions

In the R-2, Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 8.060.

1. Churches and other places of assembly.

2. Public and private recreation facilities.

3. Cemeteries, as accessories to churches

4. Governmental services.

5. Bed and breakfast

6. Family child care homes.

7. Group child care homes and day care centers that are secondary to churches or educational institutions.

D. Uses Prohibited

In the R-2, 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-2, Residential District, shall comply with the following requirements, except as provided in Article VI.

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 (30) feet for the principal structure and fifteen (15) additional 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.

4. **Land Area** - No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than twenty thousand (20,000) square feet in area, except where public water and public wastewater service is available, in which case the minimum lot area shall be ten thousand (10,000) square feet. However, where there is an existing lot of record of less than twenty thousand (20,000) square feet, at the time of adoption of this resolution, this may be utilized for the construction of one single family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than eight thousand (8,000) square feet in area and meets Health Department requirements.

   On lots or parcels of land, where multiple-family dwellings are constructed, the following area requirements shall apply:

Number of Dwelling Units	With Public Water & Sanitary Sewers	With Public Water, but Without Public Wastewater*
1	10,000 sq. ft.	20,000 sq. ft.
2	15,000 sq. ft.	20,000 sq. ft.
3	17,000 sq. ft.	25,000 sq. ft.
4	25,000 sq. ft., Plus	30,000 sq. ft.
More Than 4 Units	5,000 sq. ft., for Each Unit Over 4	Not Permitted, Unless On-Site Treatment Units (i.e., Package Plants) Are Used, 30,000 Square Feet, Plus 5,000 Square Feet, for Each Unit Over 4

NOTES:

*** The Board of Zoning Appeals may increase the lot size requirement if a soils analysis of percolation tests as required by the Dickson County Environmentalist indicate a potential problem with subsurface sewage disposal.**

*** Dwelling units not served by public water nor sanitary sewers are subject to the approval by the Dickson County Environmentalist.**

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 of 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 eighty (80) 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 Requirements** - As regulated in Article IV, Section 4.010.

5.044 R-3, RESIDENTIAL DISTRICT

A. District Description

The R-3, Residential District is intended to provide areas which are suitable for low-density single and multi-family residential development. This district is particularly suitable for areas adjacent or near urban areas, where an adequate public water supply or public wastewater service is available. The principal uses of land range from single-family to multi-family apartment uses. The following regulations shall apply in the R-3, Residential District, as defined on the Zoning Map of Dickson County, Tennessee.

B. Uses Permitted

In the R-3, Residential District, the following use and their accessory uses are permitted.

1. Detached Single-Family Dwellings

2. Duplex Dwellings

3. Apartment Dwellings

4. Rooming and Boarding Houses

5. Essential Utilities

6 Mobile Home Parks Subject to the Provisions of Article IV, Section 4.080.

7 Customary Home Occupations as Regulated in Article IV, Section 4.040.

8 Child Care Homes and Day Care Centers as part of a Planned Unit Development.

C. Uses Permitted as Special Exceptions

In the R-3, Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 8.060.

1. Churches and Other Places of Assembly

2. Public and Private Recreational Facilities

3. Cemeteries, as accessories to churches

4. Governmental services

5. Bed and breakfast

6. Family Child Care Homes

7. Group Child Care Homes and Day Care Centers that are Secondary to Churches, Educational Institutions, Apartments, and Group Housing.

D. Uses Prohibited

In the R-3, Residential District, all uses except those uses or their accessory uses specifically permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations

All uses permitted in the R-3, Residential District, shall comply with the following requirements, except as provided in Article VI.

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 (30) feet for the principal structure and fifteen (15) additional 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.

4. **Land Area** - No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than twenty thousand (20,000) square feet in area, except where public water and public wastewater service is available, in which case the minimum lot area shall be ten thousand (10,000) square feet. However, where there is an existing lot of record of less than twenty thousand (20,000) square feet at the time of adoption of this resolution, this maybe utilized for the construction of on single-family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than eight thousand (8,000) square feet in area and meets health department requirements.

   On lots or parcels of land, where multiple-family dwellings are constructed, the following requirements shall apply:

Number of Dwelling Units	With Public Water & Sanitary Sewers	With Public Water, but Without Public Wastewater*
1	10,000 sq. ft.	20,000 sq. ft.
2	15,000 sq. ft.	20,000 sq. ft.
3	17,000 sq. ft.	25,000 sq. ft.
4	25,000 sq. ft.	30,000 sq. ft.
More Than 4 Units	5,000 sq. ft., Plus 5,000 sq. ft. for Each Unit Over 4	Not Permitted, Unless On-Site Treatment Units (i.e., Package Plants) Are Used, 30,000 Square Feet, Plus 5,000 Square Feet, for Each Unit Over 4

NOTES:

*** The Board of Zoning Appeals may increase the lot size requirement if a soils analysis of percolation tests as required by the Dickson County Environmentalist indicate a potential problem with subsurface sewage disposal.**

*** Dwelling units not served by public water nor sanitary sewers are subject to the approval by the Dickson County Environmentalist.**

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 of 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 eighty (80) 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 Requirements** - As regulated in Article IV, Section 4.010.

5.045 C-1, RURAL CENTER DISTRICT

A. District Description

The C-1, Rural Center District, recognizes the need to provide for areas within Dickson County where residents of the more isolated agricultural and rural residential districts and residents located beyond the limits of service can receive certain merchandising and technical service. In Dickson 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. It is designed to allow for change and growth within these areas, but also prevent this mixture of land uses from unnecessarily spreading into the adjacent countryside. The following regulations shall apply in the C-1, Rural Center District, as defined on the Zoning Map of Dickson 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 dwelling

2. Duplex dwellings

3. Agriculturally oriented commercial or light industrial uses

4. Essential Utilities

5. Churches and other places of assembly

6. Governmental services

7. Community centers

8. Professional Offices

9. Commercial amusement establishments

10. Convenience Commercial

11. Service stations and automobile repair establishments, subject to the provisions of Article IV, Section 4.060.

12. Warehouses or storage facilities, except those facilities for storing petroleum or other potentially hazardous materials.

13. Customary home occupations as regulated in Article IV, Section 4.040.

14. Day Care Centers and Drop in Centers.

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 VII, Section 8.060.

1. Livestock sales centers and feed lots necessary for their operation.

2. Apartment dwellings.

3. Travel trailer parks.

4. Kennels.

5. Veterinarian clinics, veterinarian hospitals

6. Funeral parlors.

7. Drive-in commercial establishments.

8. Cemeteries, as accessories to churches

9. Educational Institutions and Educational Services

10. Bed and Breakfast

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 VI.

1. **Front Yard** - The minimum depth of the front yard for (a) residential uses - 50 feet; (b) nonresidential uses - 50 feet.

2. **Rear Yard** - The minimum depth of the rear yard for (a) residential uses - 25 feet; (b) nonresidential uses - 20 feet.

3. **Side Yard** - The minimum width of the side yard for (a) residential uses - 20 feet for single story structures, plus five (5) additional feet for an additional story; (b) nonresidential uses - 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:

   a. **Residential** - No lot or parcel of land shall be reduced in size to provide separate lots, for single-family dwellings, of less than twenty thousand (20,000) square feet where public water is available. Where no public water is available, residential lots shall be a minimum of one (1) acre in area and the proposed sewage disposal system must be approved by the Dickson County Environmentalist.

      The minimum land area for two-family and multi-family dwellings shall be the minimum area for a single-family dwelling, plus five thousand (5,000) square feet for each unit above one.

   b. **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 where public water is available. Where no public water is available commercial lots shall be a minimum of one (1) acre in area and the proposed sewage disposal system must be approved by the Dickson County Environmentalist.

   c. **Manufacturing** - No lot or parcel of land shall be reduced in size to provide separate lots for manufacturing uses of less than five (5) acres in area where public water is available and where the method of sewage disposal has been approved by the Dickson County Environmentalist. Where no public water is available, manufacturing uses shall not be permitted in the C-1, Rural Center District.

   However, where there is an existing lot of record of less than the minimum land areas outlined above, at the time of adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling, providing said lot is not less than ten thousand (10,000) square feet where a public water supply is available and twenty-two thousand (22,000) square feet where a public water supply is not available.

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 four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

8. **Parking Space Requirements** - As regulated in Article IV, Section 4.010.

9. **Loading and Unloading Requirements** - As regulated in Article IV, Section 4.020.

5.046 C-2, GENERAL COMMERCIAL DISTRICT

A. District Description

The C-2, General Commercial District, is established to provide area in which the principal use of land is devoted to general and highway commercial activities along the principal thoroughfares in Dickson County. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Dickson County and to provide for necessary off-street parking and loading. The following regulations shall apply in the C-2, General Commercial District, as defined on the Zoning Map of Dickson County, Tennessee.

B. Uses Permitted

In the C-2, General Commercial District, the following uses and their accessory uses are permitted:

1. Wholesale Trade

   a. Motor vehicles and automotive equipment

   b. Drugs, chemicals and allied products

   c. Dry good and apparel

   d. Groceries and related products

   e. Farm products

   f. Electrical goods

   g. Hardware, plumbing, heating equipment and supplies

   h. Machinery, equipment, and supplies

   i. Warehousing facilities

2. Retail Trade

   a. Building materials, hardware, and farm equipment

   b. General merchandise

   c. Food

   d. Automotive, marine craft, aircraft, and accessories

e. Apparel and accessories

f. Furniture, home furnishings and equipment

g. Eating and drinking

h. Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice

3. Hotels, motels and tourist courts

4. Churches and mortuaries

5. Professional offices

6. Medical Facilities

7. Commercial recreation uses

8. Signs and billboards as regulated in Article IV, Section 4.070

9. Convenience Commercial

10. Personal services

11. Business services

12. Repair services

13. Contract construction services

14. Governmental services

15. Educational services

16. Transportation, communication and utility services except airports and solid waste disposal

17. Planned shopping centers

18. Day care centers and drop in centers

19. Essential and secondary utilities

20. Gasoline service stations subject to the provisions of Article IV, Section 4.060

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 8.060.

1. Kennels.

2. Veterinarian clinics, veterinarian hospitals

3. Educational Institutions and Educational Services

4. Travel trailer parks and overnight campgrounds.

5. Cemeteries, as accessories to churches

6. Recycling Center **(Added by Resolution 3-2010-3, March 15, 2010)**

D. Uses Prohibited

In the C-2, General Commercial District, all uses, except 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 in the C-2, General Commercial District, shall comply with the following requirements, except as provided in Article VI.

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 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 agriculture, 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 a 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 public water and sanitary sewer service is available. Where only public water is available, there shall be a minimum land area of twenty thousand (20,000) square feet, except that lots of record smaller than the required minimum, at the time of adoption of this resolution, may be utilized, provided that said lot of record is not smaller than fifteen thousand (15,000) square feet. Where no public water or sewer service is available, there shall be a minimum land area of three (3) acres.

More than one (1) building shall 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.

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 four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

8. **Parking Space Requirement** - As regulated in Article IV, Section 4.010.

9. **Loading and Unloading Requirement** - As regulated in Article IV, Section 4.020.

5.047 M-1, GENERAL INDUSTRIAL DISTRICT

A. District Description

The M-1, General Industrial District, is intended to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials, and warehousing or storage. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes. The following regulations shall apply in the M-1, General Industrial District, as defined on the Zoning Map of Dickson County, Tennessee.

B. Uses Permitted

In the M-1, General Industrial District, the following uses and their accessory uses are permitted:

1. Food and kindred products manufacturing, except meat products.

2. Textile Mill products manufacturing except dyeing and finishing of textiles.

3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.

4. Lumber and wood products manufacturing.

5. Furniture and fixtures manufacturing.

6. Printing, publishing and allied industries.

7. Stone, clay, and glass products manufacturing.

8. Fabricated metal products manufacturing except ordnance and accessories.

9. Professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks manufacturing.

10. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco manufacturing; motion picture production.

11. Transportation, communication, and primary and secondary utilities, excluding airports, and solid waste disposal.

12. All types of wholesale trade.

13. Office functions only where it is directly related to the industrial establishment in which it is located.

14. Signs and billboards as regulated in Article IV, Section 4.070.

15. Warehousing facilities

C. Uses Permitted as Special Exceptions

In the M-1, General Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 8.060.

1. Any business or service 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. Automobile Wrecking **(Deleted and Replaced by Resolution 3-2010-3, March 15, 2010)**

3. Junkyards **(Deleted and Replaced by Resolution 3-2010-3, March 15, 2010)**

4. Meat product manufacturing.

5. Dyeing and finishing of textiles.

6. Paper and allied products manufacturing.

7. Chemicals and allied products manufacturing.

8. Petroleum refining and related industries.

9. Rubber and miscellaneous plastic products manufacturing.

10. Primary metal industries.

11. Ordnance and accessories manufacturing.

12. Airport.

13. Solid waste disposal, subject to the approval of the Dickson County Environmentalist, the Tennessee Department of Public Health, and the Dickson County Commission.

14. Mining activities and related services.

15. Adult oriented business establishments.

16. Group child care homes and day care centers provided that they are for the primary use of the industrial establishment in which they are located.

17. Metals Recycling Facilities **(Added by Resolution 3-2010-3, March 15, 2010)**

D. Uses Prohibited

In the M-1, General Industrial 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. Special Requirements

No use shall be allowed as a special exception for solid waste disposal unless the solid waste is received exclusively from Dickson County residents and/or businesses.

F. Dimensional Regulations

All uses permitted in the M-1, General Industrial District, shall comply with the following requirements except as provided in Article VI.

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 (30) feet.

   No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

3. **Side Yard** - The minimum depth of the side yard shall be twenty (20) feet, except that side yards for industrial lots adjacent to Residential, or Rural Center Districts shall be required for that portion of a lot which fronts on a railroad or rail spur line.

4. **Land Area** - Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. No industrial land use shall be permitted in areas where a public water supply is not available, except

where the Board of Zoning Appeals has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances the Board may grant written approval of the use and shall not be less than five (5) acres.

5. **Maximum Lot Coverage** - No maximum lot coverage shall be imposed in the M-1 District.

6. **Lot Width** - No lot shall be less than one hundred fifty (150) feet wide at the building setback line.

7. **Height Requirement** - No height limitations shall be imposed in the M-1, General Industrial District, except as provided in Article VI, Section 6.030.

8. **Parking Space Requirement** - As regulated in Article IV, Section 4.010.

9. **Loading and Unloading Requirements** - As regulated in Article IV, Section 4.020.

5.048 Residential Planned Unit Development District

A. District Description

These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof. These districts are freestanding and are not to be used as an overlay zone.

B. Residential Planned Unit Developments

1. **Type of Developments** - There are hereby created two (2) districts of Residential Planned Unit Developments (PUD's) as follows:

Low Density Residential PUD	**R-1 PUD**
Medium Density Residential PUD	**R-2 PUD**

2. **Purpose** - The purpose of a Low Density Residential, R-1 PUD is to permit development of land in a cohesive planned development in order to increase useable recreation space, provide for pedestrian circulation, and to prohibit the use of land which by reason of topography or floodplain contains some areas unsuitable for development, and to permit the cluster of lots in order to leave the unsuitable land as permanent open space.

The purpose of a Medium Density Residential, R-2 PUD is the same as the R-1 PUD, except that the R-2 PUD permits increased density, a variety of housing types, limited commercial activity, and generally requires access to arterial or collector roadways.

3. **Minimum Size** - The minimum amount of acres required for each PUD type is as follows:

R-1 PUD	10 acres
R-2 PUD	3 acres

4. **Permitted Activities in a Residential PUD** - The following activities listed in Table I, may be permitted in a Residential PUD only when deemed appropriate by the Planning Commission and the County Commission as approved with the Preliminary Master Plan. Other activities not listed are prohibited.

5. **Limitation on Commercial Activities** - The commercial activities permitted in Table I, shall be limited to no more than five (5) percent of the total gross area within such development and provided further that the maximum floor area for any single establishment shall be five thousand (5,000) square feet. Such commercial activities shall be designed to serve primarily the residents within the PUD and shall not be constructed until at least one-half (1/2) of the residential units are complete unless other phasing has been approved as part of a preliminary master plan. In addition to the aforementioned limitations the commercial structure shall normally be located within the perimeter of the PUD.

6. R-1, Low Density Residential Planned Unit Development

   a. Density, Bulk and Open Space Regulations for Single Family Detached Dwelling Units

Minimum Lot Size	**None**
Maximum Density	**3 Dwelling Units per Acre**

Density bonuses shall be given as follows:

Dedication of land for school, library, fire station, or similar public use if so approved by the County Commission is ten (10) percent.

Alternately on developments with less than twenty-five (25) acres the actual area of the land to be dedicated may be used as bonus density if so approved by the County Commission.

Areas in road right of ways are not included in calculating the number of dwelling units. When calculations are made as to the number of permitted dwelling units the number of units may be rounded up provided that at least .5 of a unit is calculated. Areas dedicated for schools, fire stations, etc., are also excluded but do receive a density bonus.

The remaining area shall be left as common open space and used for designated purposes as approved in the Preliminary and Final Master Plan. The minimum required ratio of dedicated common open space should be in terms of the maximum density of the planned unit development and based on five (5) percent of the total acreage less that dedicated to the County.

TABLE I

PERMITTED USES AND STRUCTURES
RESIDENTIAL PLANNED UNIT DEVELOPMENT

RESIDENTIAL ACTIVITIES	DISTRICTS	
Permanent Residential	**LDRPUD**	**MDRPUD**
Dwelling Attached	P	P
Dwelling One-Family Detached	P	P
Dwelling Two-Family Detached	N	P
Dwelling Semi-Detached	P	P
Dwelling Mobile Home	N	N
Dwelling Multi-Family	N	P
Boarding House	N	N
Rooming House	N	N
Community Facilities Activities		
Golf Courses	P	P
Libraries	P	P
Parks and Playgrounds	P	P
Recreation Centers	P	P
Public or private Swimming Pools	P	P
Schools Grades K to 12 - Public and Private	P	P
Retirement and Nursing Homes	N	P
Churches and Other Religious Assembly	P	P
Commercial Activities		
Convenience Stores	N	P
Convenience Services	N	P
Country Club	P	P
Day Care Centers	N	P
Group Child Care Home	P	P
Health Care Facilities Designed Primarily to Serve Residents of the PUD	N	P

KEY TO INTERPRETING USES

P - Permitted Use.
N - Not Permitted in the District.

b. Yards

For detached or semi detached structures the following setbacks are required:

Minimum Front Yard	**20 feet**
Minimum Side Yard	**8 feet**
Minimum Rear Yard	**10 feet**

These yards are to be measured to the property lot lines. If the ownership between structures is dedicated open space the yard provisions may be waved provided they were so shown on the Preliminary and Final Master Plans and that all provisions of the building and fire code are satisfied.

7. R-2, Medium Density Residential Planned Unit Development

a. Density, Bulk and Open Space Regulations

(1) Density and Open Space Requirements

Minimum Lot Size	**None**
Maximum Density	**6 Dwelling Units per Acre**

Density bonuses shall be given as follows:

Dedication of land for school, library, fire station, or similar public use if so approved by the County Commission is ten (10) percent.

Alternately on developments with less than twenty-five (25) acres the actual area of the land to be dedicated may be used as bonus density if so approved by the County Commission.

Areas in road right of ways are not included in calculating the number of dwelling units. When calculations are made as to the number of permitted dwelling units the number of units may be rounded up provided that at least .5 of a unit is calculated. Areas dedicated for schools, fire stations, etc., are also excluded but do receive a density bonus.

The remaining area shall be left as common open space and used for designated purposes as approved in the Preliminary and Final Master Plan. The minimum required ratio of dedicated common open space should be in terms of the maximum density of the planned unit development and based on five (5) percent of the total acreage less that dedicated to the County.

b. Yards

For detached or semi-detached structures the following setbacks are required:

Minimum Front Yard	**20 feet**
Minimum Side Yard	**8 feet**
Minimum Rear Yard	**10 feet**

These yards are to be measured to the property lot lines. If the ownership between structures is dedicated open space the yard provisions may be waved provided they were so shown on the Preliminary and Final Master Plans and that all provisions of the building and fire code are satisfied.

C. Development Standards Applicable to All Residential Planned Unit Developments

1. **Perimeter Requirements** - Along the perimeter of the Planned Unit Development, buildings shall be designed to harmonize in scale, setbacks, and mass with existing adjacent areas. A minimum setback of forty (40) feet shall be required around the perimeter of all residential planned unit developments. Perimeter landscaping shall also be required when deemed necessary to minimize the impact of the PUD on adjacent property.

2. **Pedestrian Circulation** - All PUD's shall be designed so as to allow safe pedestrian circulation between dwelling units as well as to provide access to improved open space or other amenities. Sidewalks shall be located on at least one side of any proposed street or common drive area. Sidewalks should normally be separated from the road surface by at least five (5) feet and may be buffered from the street by trees or other vegetation. Sidewalks shall be at least five (5) feet wide and built at reasonable slopes and grades.

3. **Open Space Requirements** - No open area may be accepted as common open space under the provisions of this section unless the location, shape, size and character of the common open space is appropriate to the scale and character of the development considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

   Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation, steep slopes, or floodplains may be left unimproved.

   If the master plan provides for buildings, structures, and/or improvements in the common open space then the developer shall provide surety of sufficient value to ensure that the buildings, structures, and improvements will be completed. The Planning Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

   A golf course may be used as open space provided that additional improved open space is provided appropriate to the needs of the residents of the development. Areas for walking trails may be used provided they are in addition to required sidewalks.

4. **Arrangement** - Lots along existing County roads shall be arranged so as to either be screened from or front the existing road. Driveways shall normally access only roads within the development. Connections to existing collector or arterial roads shall be kept to a minimum.

5. **Landscaping Requirements** - Each PUD shall be attractively landscaped and the proposed landscaping shall be included in the preliminary master plan. Areas to be landscaped include the perimeter of the development, parking lots, waste containers, utility structures such as pumping stations or electrical substations, and multi-family structures.

6. **Parking and Storage** - Storage areas shall be enclosed or concealed by berms and/or buffers. Parking lots shall be landscaped.

7. **Signs** - The location and design of all signs shall be shown as a separate element of the preliminary master plan.

8. **Access** - Planned Unit Developments with more than twenty-five (25) units must have two (2) points of ingress/egress. PUD's with between fifteen (15) and twenty-four (24) units may use two (2) ingress/egress points or a single boulevard road with either a median or a third lane. The minimum right of way for a boulevard shall be sixty (60) feet.

9. **Street Improvements** - All streets, public or private, shall be constructed to the road specifications contained in the Dickson County Subdivision Regulations with the following exceptions:

   a. The right of way may be reduced where curb and gutter streets are used.

   b. Traffic calming methods are permitted and encouraged.

   c. Alleys are permitted.

   d. Landscaping of the center of cul-de-sac turnarounds is permitted and encouraged.

10. **Utilities** - The development shall be serviced with public sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. Fire hydrants shall be installed to be within five hundred (500) feet of any lots designated for detached dwellings. However, a fire hydrant must be placed within two hundred-fifty (250) feet of any dwelling unit part of an attached structure or multi-family building

11. **Waste Disposal** - If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

D. Development Standards for Multi-Family Projects

1. The spacing of all buildings contained in multi-family dwellings shall be in compliance with the building codes adopted by Dickson County.

2. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.

3. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.

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

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

6. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.

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

8. Access and circulation shall adequately provide for fire fighting equipment, service deliveries, and moving vans and refuse collection.

9. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least, one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve.

E. <u>Development Standards for Attached Dwellings</u>

1. No attached dwelling shall exceed three (3) stories in height.

2. Parking for attached dwellings may be constructed with two (2) off-street parking space required and the other required space constructed in bays either adjacent to the streets or in the interior of blocks. Such spaces shall be located within two hundred (200) feet of each unit to be served. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls.

3. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.

4. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.

F. Administrative Procedures Applicable to Planned Unit Development

1. General Provisions

a. **Master Plan Required** - No application for a Planned Unit Development (PUD) District shall be considered unless a master plan meeting the requirements outlined in Section 5.048, G, 2, is submitted therewith. Such application shall indicate that the services of one (1) or more design professionals were utilized in the preparation of the plan.

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

c. **Relationship to Subdivision Regulations** - The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-ways, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission as a part of its review of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision, which must be concurrent with the final approval, by the Planning Commission of the master plan.

d. **Combination of Separate Types of Planned Unit Developments** - The Planning Commission and the County Commission may consider separate types of Planned Unit Developments, such as residential and commercial within a consolidated Master Plan as a single administrative procedure provided that the total tract is in single ownership by a landowner and the land area is sufficient to comply with the separate type requirements combined.

e. **Development Period, Staging Schedule** - The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

Within two (2) years after the date of approval, actual construction shall have commenced in such development. In the event that construction has not been started, the Planning Commission shall

conduct a hearing on the project and review the feasibility of the PUD and may act to cancel or extend approval of the master plan depending upon the circumstances of each case.

The Planning Commission may permit the development to be constructed in stages so that completion is achieved in a logical manner. Each stage shall be planned and related to existing surroundings and available facilities and services, so that failure to proceed to the subsequent stages will not have an adverse impact on the planned unit development or its surroundings, at any stage of the development.

f. Common Open Space and Facilities

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

(1) The location, shape, site, and character of the common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.

(2) Common open space must be suitable for its intended uses but common open space containing natural features worthy of preservation may be left unimproved.

(3) The Planning Commission shall require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication be approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.

(4) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the codes director may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the codes director may call upon any public or private agency to maintain the common

open space for a period of one (1) year. When the codes director determines that the organization is not prepared for the maintenance for the common open space such agency shall continue maintenance for yearly periods.

(5) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a lien on said properties.

(6) When the common open space is deeded to a Homeowners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:

(a) The Homeowners' Association shall be formed prior to the final plat approval of any phase of the development.

(b) Membership must be mandatory for each homebuyer and any successive buyer.

(c) The open space restrictions must be permanent, not just for a period of years.

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

(e) Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property.

(f) The association must be able to adjust the assessment to meet changing needs.

(7) A recreation plan shall be developed and presented with the Preliminary Master Development Plan for any proposed residential planned unit development. This plan shall indicate the general demographic characteristics of the anticipated market being targeted by the proposed development. The plan shall indicate the recreation facilities proposed and the age groups these facilities are designed to serve, as well as provide the number and detailed specifications of each type of recreational equipment and facility proposed. The size of each type of recreational facility, or type of recreational equipment shall be directly related to the age and number of the anticipated user population. These facilities may be devoted to either: (1) Shared limited use facilities designed so as to assure privacy and control of access by and for the

exclusive use of a specific residential clientele within the development; or (2) Shared general use recreation facilities which are available to all residents of the proposed development. All recreational equipment provided should be durable commercial grade equipment.

A minimum of five (5) percent of the net area of every residential PUD shall be devoted to improved and developed recreational open space.

G. Administrative Procedure for Review and Approval for All Planned Unit Developments

The provisions of this section govern the procedure for review and approval for all planned unit developments as provided herein. Any landowner or developer, as defined, may apply for a PUD zoning in any area subject to these provisions, and the County Commission may, within its legislative power, impose PUD zoning upon any land area, and after such action, the landowner shall follow the remaining procedures before any zoning permits can be issued and the land developed.

1. Steps of Approval Process

a. The applicant may request a pre-application conference with planning staff to evaluate the proposal and to determine and clarify any issues that may arise.

b. Applicants may, at their discretion, submit a sketch preliminary master plan so as to receive feedback from the Planning Commission and/or the County Commission before proceeding with the additional cost of preparing a more detailed preliminary master plan.

c. The applicant shall submit a preliminary master plan and rezoning request to the Planning Commission for their consideration along with the required fees.

d. The Planning Commission may recommend approval or disapproval of a developer's request. If approved, the Planning Commission shall recommend the necessary PUD Zoning to the County Commission.

e. After approval of the preliminary master plan and amendment of the zoning map, preparation of the final master plan may begin. The preliminary master plan shall be filed by the developer with the Dickson County Registrar of Deeds prior to the application of the final master plan.

f. The applicant shall submit a final master plan to the Planning Commission for their consideration. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD.

g. Prior to the sale or transfer of any property, the applicant shall submit and have approved a final subdivision plat.

2. **Application for Approval of the Preliminary Master Plan and Zoning Request** - Application for approval of the preliminary master plan shall be made by the landowner of the affected property or his authorized agent, to the Planning Commission in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall consist of the following:

a. The preliminary master plan for the proposed planned unit development shall be a general concept plan which may include such items as the Planning Commission by general rule which may include, but is not limited to the following items:

(1) The location and size of the area involved.

(2) Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas.

(3) Location and approximate dimensions of structures including approximate height and bulk, and the utilization of structures including activities and the number of living units.

(4) Estimated population and density and extent of activities to be allocated to parts of the project.

(5) Reservations for public uses including schools, parks and other open spaces.

(6) Availability commitments from the appropriate water and sewer provider.

(7) Major landscaping features, including topography.

(8) The general means of the disposition of sanitary wastes and storm water, and

(9) North arrow, graphic scale, and location map showing relationship to existing street system and adjoining properties.

(10) Specify the various uses of structures within the RPUD, for example the percentage of structures that are residential and the percentage of structures that are nonresidential.

(11) Elevations as necessary.

(12) Location of gas, water, sewerage, and drainage facilities.

(13) Details and locations of signs.

(14) Plans for street and parking lot improvements.

(15) Location and use of all common open space area.

(16) Approximation of proposed topography.

(17) Additional information as determined by the Planning Commission to indicate fully the ultimate operation and appearance of the PUD.

b. A tabulation of the land area to be devoted to various uses and activities and overall densities.

c. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.

d. The substance of covenants, grants of easements, deed restrictions, or other restrictions to be imposed upon the use of the land, buildings and structures to include total square footage, building materials, architectural drawings, and proposed easements for public utilities.

e. A development schedule, setting forth when the landowner intends to commence construction and an estimated completion period.

f. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

g. A filing and review fee in an amount determined according to the standard fee schedule as approved by the County Commission.

h. A general summary explaining the character, intent, and financing of the PUD.

If the application is incomplete, the Planning Commission shall hold in abeyance their formal review until such time as complete information is submitted.

3. **Application for Approval of the Final Master Plan** - The action of the County Commission on the zoning request and the preliminary master plan shall authorize and form the basis for the Planning Commission approval of a final master plan.

4. **Application for Final Approval** - After zoning a Planned Unit Development District, the landowner may make application to the Planning Commission for approval of a final master development plan, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the County Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bonds as were set forth by the Planning Commission's preliminary approval. Copies

of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a non-profit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.

5. **Final Approval of Stages** - The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large planned unit development.

6. **Final Master Development Plan** - The final master plan of a planned unit development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master plan.

7. **Amendments to the PUD** - The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the Planning Commission if requested to do so by the Developer of the property. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following.

   The developer of the PUD may apply to the Planning Commission for an amendment to the master plan. The Planning Commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD or any adjoining properties. Minor changes in the location, arrangement, sitting, and height of buildings may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval.

   Major changes differing from the Preliminary Master Plan must be submitted to both the Planning Commission and County Commission. Major changes include any increase in the number of dwelling units, substantial alteration of the type of structures and/or their location, a reduction in open space of more than five (5) percent of that proposed, substantial changes in the improvement of open space, additional commercial area or structures, or any other change that in the opinion of the Planning Commission prevents the development from being in substantial compliance with the approved preliminary master development plan.

8. **Cancellation of an Adopted Planned Unit Development** - In the event that actual construction has not begun within two (2) years from and after the date of the ordinance adopting or amending a plan unit development the Planning Commission may, after an official meeting with notice to the landowner, act to cancel the approved master plan or at any time upon the petition of the landowner.

9. **Building Permits** - A building permit shall be issued for structures, buildings, activities, or uses as a part of a finally adopted planned unit development only in strict compliance with the master development plan of the particular planned unit development 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 master development plan has been approved.

ARTICLE VI

EXCEPTIONS AND MODIFICATIONS

SECTION

6.010 Scope
6.020 Nonconforming Uses
6.030 Exceptions to Height Limitations
6.040 Lots of Record
6.050 Exception to Front Setback Requirements
6.060 Agricultural Use of Land
6.070 Land Use Plan

6.010 SCOPE

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

6.020 NONCONFORMING USE (Amended by Resolution 4-2012-5, April 16, 2012)

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

A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board 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 additional land after the effective date of this resolution.

C. Pursuant to 13-7-208 of the *Tennessee Code*, when a nonconforming commercial, industrial, or other business use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of thirty (30) months, it shall not be re-established or changed to any use not in conformity with the provisions of this resolution. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home park the nonconformity of such structure and use of the land shall lapse.

D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to the extent of more than fifty (50) percent of its fair market value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this resolution.

E. 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.

6.030 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this resolution shall not apply to church spires, solar collectors, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts and aerials, and agricultural related buildings except those designated for human occupation as in residences or offices.

6.040 LOTS OF RECORD

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

A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this resolution does not own sufficient land to enable him to conform to the yard or other requirements of this resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this resolution. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as possible.

B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this resolution, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

C. 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

6.050 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS

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

6.060 AGRICULTURAL USE OF LAND

This resolution shall not be construed as authorizing the requirement of Development Permits nor providing for any regulation of the erection, construction, or reconstruction of any building or other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural, except on agricultural lands adjacent or in proximity to state federal aid highways, public airports, or public parks, provided however, such buildings or structure is incidental to the agricultural enterprise. Nor shall this resolution be construed as limiting or affecting in any way or controlling the agricultural uses of land.

6.070 LAND USE PLAN

So that future growth and development can be properly, orderly and fairly sustained, the areas marked in yellow on the attached map to this document are envisioned for future development of residential dwellings and are not consistent or compatible for industrial development.

(ARTICLE VII, DELETED AND REPLACED BY RESOLUTION 8-2009-1, AUGUST 17, 2009)

ARTICLE VII

FLOODPLAIN ZONING DISTRICT

SECTION

7.010 Statutory Authorization, Findings of Fact, Purpose and Objectives
7.020 Definitions
7.030 General Provisions
7.040 Administration
7.050 Provisions for Flood Hazard Reduction
7.060 Variance Procedures
7.070 Legal Status Provisions

7.010 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 Dickson County, Tennessee County Commission, do resolve as follows:

B. Findings of Fact

1. The Dickson County, Tennessee, Mayor and its Legislative Body 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 Dickson 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.

7.020 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.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128. **(Added by Resolution 9-2011-3, September 19, 2011)**

"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 (1) 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 (1) 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.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. **(Added by Resolution 9-2011-3, September 19, 2011)**

"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 **"Flood" or "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.

"Floor" means the top surface of an enclosed area in a building (including basement), ie., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles. **(Added by Resolution 9-2011-3, September 19, 2011)**

"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 Dickson 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) Four hundred (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 (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; 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's, Local Planning Assistance Office, 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.

7.030 GENERAL PROVISIONS

A. Application

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

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Dickson County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) **47043CV000A, September 25, 2009,** and Flood Insurance Rate Map (FIRM), Community Panel Number(s) **47043C0025C, 47043C0043C, 47043C0044C, 47043C0045C, 47043C0050C, 47043C0061C, 47043C0062C, 47043C0063C, 47043C0064C, 47043C0075C, 47043C0080C, 47043C0085C, 47043C0090C, 47043C0095C, 47043C0117C, 47043C0119C, 47043C0120C, 47043C0125C, 47043C0130C, 47043C0132C, 47043C0135C, 47043C0138C, 47043C0140C, 47043C0145C, 47043C0152C, 47043C0155C, 47043C0175C, 47043C0180C, 47043C0185C, 47043C0190C, 47043C0195C, 47043C0225C, 47043C0226C, 47043C0230C, 47043C0233C, 47043C0234C, 47043C0235C, 47043C0240C, 47043C0242C, 47043C0245C, 47043C0251C, 47043C0252C, 47043C0253C, 47043C0254C, 47043C0256C, 47043C0260C, 47043C0261C, 47043C0265C, 47043C0270C, 47043C0278C, 47043C0280C, 47043C0300C, 47043C0325C, 47043C0350C, 47043C0375C, 47043C0400C, dated, September 25, 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 Dickson 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 Dickson County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

7.040 ADMINISTRATION

A. Designation of Resolution Administrator

The Planning Director 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 nonresidential 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 nonresidential floodproofed building will meet the floodproofing criteria in Section 7.050, Subsections 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 nonresidential 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 nonresidential 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 Section 7.040, Subsection 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 Section 7.040, Subsection 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 Section 7.040, Subsection 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 Dickson 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.

7.050 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 Section 7.050, Subsection 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. <u>Specific Standards</u>

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 7.050, Subsection 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 Section 7.020). 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. Nonresidential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential 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 nonresidential 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 Section 7.020). 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"

Nonresidential 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 Section 7.040, Subsection B.

3. Enclosures

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

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

i. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

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

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

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

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 7.050, Subsection 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:

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

ii. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 7.020).

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Section 7.050, Subsections A and B.

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

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

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

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

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

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 fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 7.050, Subsection 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 Section 7.030, Subsection 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 Dickson 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 Section 7.050, Subsections A and 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 Section 7.030, Subsection 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 Section 7.050, Subsections A and B.

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

Located within the Special Flood Hazard Areas established in Section 7.030, Subsection 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 Section 7.050, Subsections A and B.

2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (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 Section 7.020). All applicable data including elevations or floodproofing certifications shall be recorded as set forth

in Section 7.040, Subsection B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 7.050, Subsection 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 (20) feet, 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 Dickson 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 Section 7.050, Subsections A and B. Within approximate A Zones, require that those subsections of Section 7.050, Subsection 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 Section 7.030, Subsection B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Section 7.050, Subsections A and B, apply:

1. All new construction and substantial improvements of residential and nonresidential 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 Section 7.050, Subsection B.

2. All new construction and substantial improvements of nonresidential 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 Section 7.040, Subsection 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 Section 7.030, Subsection 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 Sections 7.040 and 7.050, shall apply.

H. Standards for Unmapped Streams

Located within Dickson 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 Sections 7.040 and 7.050.

7.060 VARIANCE PROCEDURES

A. Regional Board of Zoning Appeals

1. Authority

The Dickson 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 **$100.00 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 **35 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:

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

ii. 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.

iii. 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.

iv. 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.

v. 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 Section 7.060, Subsection 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.

7.070 LEGAL STATUS PROVISIONS

A. Conflict with Other Resolutions

In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Dickson 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.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION

8.010 Administration of the Resolution
8.020 The Enforcement Officer
8.030 Development Permits
8.040 Temporary Use Permits
8.050 Certificate of Occupancy
8.060 Procedure for Authorizing Special Exceptions
8.070 Dickson County Board of Zoning Appeals
8.080 Variances
8.090 Amendments to the Resolution
8.100 Penalties
8.110 Remedies
8.120 Separability
8.130 Interpretation
8.140 Effective Date

8.010 ADMINISTRATION OF THE RESOLUTION

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

8.020 THE ENFORCEMENT OFFICER

The provisions of this resolution shall be administered and enforced by the Planning Director. In the performance of administering and enforcing this resolution, he shall:

A. Issue all Development Permits and make, and maintain records thereof.

B. Issue all Certificates of Occupancy and make, and maintain records thereof.

C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.

D. Maintain and keep current zoning maps and records of amendments thereto,

E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this resolution.

F. 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 Planning Director shall possess the right to enter upon any premises for the purpose of making inspections of building or premises necessary to carry out his authorized duties.

8.030 DEVELOPMENT PERMIT

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 substantial improvement or repair of any structure or to change the use of a building or structure, or to commence the filling of land without a permit therefore, issued by the Planning Director.

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

A. Application

Application for a Development Permit shall be made in writing to the Planning Director on forms provided for that purpose. All applications for Development Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.

2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site in relation to mean sea level of the proposed lowest floor if said building site is located in a floodplain, as defined in the Dickson County Floodplain Zoning Resolution.

3. The existing and intended use of all such buildings or other structures.

4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this resolution are being observed.

B. Fee

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

C. Issuance of Permit

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

D. Construction Progress

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

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 form the Planning Director, 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 Planning Director on the form provided for that purpose. A schedule of fees shall be established by the Dickson County Commission. Such schedule shall be posted in the Office of the Planning Director. Until the appropriate fee has been paid in full, no action shall be taken on any application.

8.050 CERTIFICATE OF OCCUPANCY

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Planning Director 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. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Planning Director 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 provisions of this resolution, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

8.060 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed 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 Planing Director to determine whether a proposed use is potentially noxious, toxic, dangerous or offensive.

A. Application

An application shall be filed with the Board of Zoning Appeals for review. Such application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet and any other material pertinent to the request which the Board may require.

B. Criteria for Review

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

2. Off-street parking and loading areas where required, with particular attention to the items in Item 1, above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

C. Special Conditions for Accessory-Agricultural Occupations **(Added by Resolution 3-1998-10, March 19, 1998)**

1. Property must be located in an agricultural district and meet minimum lot size and dimensional requirements for the district.

2. No proposed use shall occupy more than one (1) accessory building with total square footage not to exceed three thousand (3,000) square feet.

3. Accessory buildings may not be altered so that the character of agricultural function is not maintained.

4. Any site within one hundred (100) feet of any residential structure on any adjoining lot shall maintain a twenty-five (25) foot buffer between the residential structure.

5. Provide an adequate parking area in compliance with Section 4.010, of this resolution.

6. Any proposed sign shall be limited to one (1) ground, graphic sign, and no more than five (5) feet in height and twenty (20) square feet and must be setback a minimum of eight (8) feet from the right-of-way.

7. No outside storage of goods or materials shall be visible from any public road. Uses involving the storage, transfer or disposal of hazardous materials shall not be permitted.

8. All automobiles or trucks parked on the site are required to have a current registration and license plates.

8.070 DICKSON COUNTY BOARD OF ZONING APPEALS

A Dickson County Board of Zoning Appeals is hereby established in accordance with 13-7-106 through 13-7-109, of the ***Tennessee Code***. The Board of Zoning Appeals shall consist of five (5) members appointed by he Dickson County Commission. The Board members shall be appointed to five (5) year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year. No individual shall be a member of both the County Planning Commission and the Board of Zoning Appeals.

A. Procedure

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

B. Appeals to the Board

An appeal to the Dickson County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any government office, department, board, or bureau affected by any decision of the Planning Director based in whole or in part upon the provisions of this resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Planning Director shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time of the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Stay of Proceeding

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

D. Appeal to the Court

Any person or persons or any board, taxpayer, department, or bureau of the County aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the Laws of the State of Tennessee.

E. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

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

2. Special Exceptions

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

3. Variances

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

8.080 VARIANCES

The purpose of this variances is to modify the strict application of the specific requirements of this resolution in the case of exceptionally irregular, narrow, shallow, or street lots, or other exceptionally physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. Variances shall be granted from zoning restrictions such as heights, setback and lot density where such variances are reasonable and necessary to assure unobstructed access to direct sunlight. Variances shall not be granted which would cause an unreasonable obstruction of direct sunlight to adjacent property if there is a reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this resolution.

A. Application

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

B. Fee

A fee as established by the Dickson County Commission shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the resolution provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearings and in accordance with the standards provided below.

D. Standards for Variances

In granting a variance, the Board shall ascertain that the following criteria are met:

1, Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

4. The granting of any variance shall be in harmony with the general purposes and intent of this resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefor.

8.090 AMENDMENTS TO THE RESOLUTION

The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or repealed by the Dickson County Commission; but, in accordance with Tennessee enabling legislation.

Any member of the County Commission may introduce such legislation, or any official, board, or any other person may present a petition to the County Commission requesting an amendment or amendments to this resolution. These amendments must be in relation to the Dickson County Plan and the general welfare of the community.

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

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

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

A. Fee

A fee established by the Dickson County Commission shall be due and payable at the time of filing of petition shall be posted with request to amend the zoning resolution. The fee is to be used by Dickson County to defray costs resulting from such petition and any subsequent amendment of the zoning resolution except that the fee shall be waived for a governmental agency.

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 ten (10) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute 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 Planning Director 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, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

8.120 SEPARABILITY

Should any section, clause, or provision of this resolution be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the resolution as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

8.130 INTERPRETATION

Whenever the conditions of this resolution require more restrictive standards than are required in or under any other statute, the requirements of this resolution shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this resolution, the conditions of such statute 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.

Certified by the Dickson County Regional Planning Commission

July 21, 1988
Date

Edward Underhill
Chairperson
Dickson County Planning Commission

Date of Passage of Resolution by the Dickson County Commission

October 27, 1988
Date

William D. Field
William D. Field, County Executive

Attested by:

William E. Brazzell
William E. (Cubby) Brazzell
Dickson County Clerk

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