

**THE MUNICIPAL ZONING ORDINANCE**

**FOR**

**ASHLAND CITY, TENNESSEE**

**ORDINANCE NO. 179**

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**ASHLAND CITY MUNICIPAL PLANNING COMMISSION**

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ARTICLE I  
ENACTMENT

SECTION

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

1.010. Authority. An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-401, Tennessee Code Annotated, to provide for the establishment of districts within the corporate limits of the Town of Ashland City, Tennessee: to regulate within such districts 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 uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes including areas subject to flooding; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

1.020. Title. This ordinance shall be known as The Zoning Ordinance for Ashland City, Tennessee, dated, **February 10, 1998**. The zoning map shall be referred to as the Official Zoning Map of Ashland City, Tennessee and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030. Enactment. WHEREAS, Section 13-7-201 through 13-7-401 of the Tennessee Code Annotated, empowers the city to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, The Mayor and City Council deem it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the city to enact such an ordinance, and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-401 of the Tennessee Code Annotated with regard to the preparation of the zoning plan of the Planning Commission and subsequent action of the City Council have been met;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL THAT  
THE ZONING ORDINANCE OF ASHLAND CITY, TENNESSEE BE ENACTED INTO LAW.

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

- a. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- b. preventing the 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, and other dangers;
- h. assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer services, recreation, schools, and emergency services;
- i. encouraging the most appropriate uses of land; and
- j. enhancing the natural, man-made, and historical amenities of Ashland City, Tennessee.
- k. the separation of certain objectionable land uses as per the following: there are some uses which because of their very nature are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this ordinance. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area, and of providing a buffer zone between such businesses and surrounding properties. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent, nor effect of this ordinance to restrict or deny access by adults to adult-oriented materials protected by the first amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market.

ARTICLE II  
DEFINITIONS

SECTION

- 2.010 Interpretation
- 2.020 Definitions
- 2.030 Use Classifications

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

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used" or "occupied".
- F. The word "lot" includes the words "plot" or "parcel".
- G. The word "town" includes the word "city", and "city" includes the word "town".

2.020. Definitions. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary definitions or such as the context may imply. **(Amended by Ordinance 329, January 9, 2007)**

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

ACCESSORY BUILDING: A subordinate building, or structure, the use of which is incidental to that of a principal building and located in the rear yard on the same lot therewith.

ACCESSORY STRUCTURE: Shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

- 1. Accessory structures shall not be used for human habitation.
- 2. Accessory structures shall be designed to have low flood damage potential.



3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

ACT: Means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

ADAPTIVE USE: For the purposes of historical zoning, rehabilitation of a historic structure for use other than its original use such as a residence converted into offices.

ADDITION: For the purposes of historical zoning, new construction added to an existing building or structure.

ADDITION (TO AN EXISTING BUILDING): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

ADULT ARCADE: Means 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 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting, describing of "specified sexual activities" or "specified anatomical areas". (See definitions of specified anatomical area and specified sexual activities).

ADULT BOOKSTORE OR ADULT VIDEO STORE: Means 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". (See definition of specified anatomical area, and specified sexual activities).

ADULT ENTERTAINMENT: Means 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. (See definition of specified anatomical area, and specified sexual activities).

ADULT MOTION PICTURE THEATER: Means 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 related to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by patrons therein. (See definitions of specified anatomical area and specified sexual activities).

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. (See Section 7.061.13, for development standards).

ADULT THEATER OR ADULT CABARET: Means a theater, nightclub, club, bar, restaurant or similar commercial establishment which regularly features:

1. 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
2. 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". (See definition of specified anatomical area, and specified sexual activities).

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

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 Ashland City, 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.

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

ALTERATION: For the purposes of historical zoning, work which impacts any exterior architectural feature including construction, reconstruction, repair, or removal of any building element.

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.

APPEAL: Means a request for a review of the Building Official's interpretation of any\_provision of this Ordinance or a request for a variance.

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: The dismantling, storage, sale or dumping of used motor\_vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot or place which\_is exposed to weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade of the\_principal structure 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 elevations or when subdivided and used for commercial activities.

BOARD: The Ashland City, Tennessee Board of Zoning Appeals.

BOARDING HOUSE: See dwelling definitions.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) feet in width, and an\_appropriate type of fence as defined in Article III, Section 3.110, herein, when required by the Planning Commission. Such a greenbelt planted strip shall be composed of one (1) row of evergreen trees, spaced not more than twenty (20) feet apart, and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet in height.

BUILDING: Any structure having a roof supported by columns or by walls, including\_tents, lunch wagons, dining cars, mobile homes, and similar structures whether stationary or movable. Any structure built, maintained, or intended for use for shelter or enclosure of persons, animals or property of any kind.

**BUILDING COMMISSIONER:** The building inspector for the Town of Ashland City, Tennessee.

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

**BUILDING, ELEVATED:** A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

**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(S), 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. In the case of corner lots in residential districts, side building setback lines extend from the front building setback line of the servicing street to the other front building setback line adjoining the secondary street which abutts said corner lot.

**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, as shown on the current, adopted Major Thoroughfare Plan Map, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way. No structure shall be placed in front of this building setback line.

**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. Within this area no structure shall be placed.

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

**BUSINESS AND COMMUNICATION SERVICES:** The provision of clerical services, 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. For the purposes of this ordinance, motor home parks shall be considered as constituting a type of camping ground.

CERTIFICATE OF APPROPRIATENESS: For the purposes of historical zoning, a document awarded by a preservation commission allowing an applicant to proceed with a proposed alteration, demolition, or new construction in a designated area or site, following a determination of the proposal's suitability according to applicable criteria.

CLINIC: See Medical Facility.

CLUSTER DEVELOPMENT: An integrated residential development consisting of single family dwellings clustered or grouped on a particular development site, thus affording a diversity or increased flexibility of design. The number of dwelling units per acre cannot exceed that allowed within the applicable base zoning district.

CONDITIONAL USE: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a zoning district as conditional uses, only when specific provisions for such uses are made in this Ordinance, conditional uses shall be construed as being synonymous with special exceptions, as controlled by Section 13-7-206, Tennessee Code Annotated. (See special exception).

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

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

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

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, dining facilities, lounge.

DAY CARE CENTER: A facility other than an occupied residence which receives children or adults for day care or any place, including nursery schools, which may provide definite, specified educational programs, which receives more than twelve (12) children or adults for related day care services. (See definition of Family Day Care Home for comparison).

DEMOLITION: For the purposes of historical zoning, any act which destroys in whole or in part a building or structure.

DEMOLITION BY NEGLECT: For the purposes of historical zoning, the destruction of a building or structure through abandonment or lack of maintenance.

DESIGN GUIDELINES: For the purposes of historical zoning, criteria developed by preservation commissions to identify design concerns in an area and to help property owners ensure that rehabilitation and new construction respect the character of designated buildings and districts.

DEVELOPER: Includes the legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser. Any person that is involved in any man-made change to improved or unimproved real estate including mining, dredging, filling, grading, paving, excavating, and drilling operations, as well as all types of building activities.

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

DISTRICT: Any section or sections of the area lying within Ashland City, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

DUE PROCESS: For the purposes of historical zoning, the established procedure by which legal action is carried out.

DUST FREE SURFACE: For the purposes of this ordinance dust free shall be defined as any surface which is concrete or asphalt, or double-bituminous only when approved by the Planning Commission. With the exception of single family or two family dwellings, all other types of land uses shall have their access points, parking aisles, and parking areas surfaced in a dust free manner.

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

- a. Single detached dwelling means a building and detached dwelling and accessories thereto principally used, designed, or adapted for use by a single family.
- b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) families, the living quarters of each of which are completely separate.
- c. Apartment dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more families each of which has separate living quarters.
- d. Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants, containing owner-provided cooking and dining facilities. (See semi-transient habitation definition).
- e. Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities. (See semi-transient habitation definition).

- f. Townhouse means a residential structure containing three or more single nondetached dwelling units separated by common vertical walls.
- g. Condominium means an apartment building or townhouse, containing three (3) or more dwelling units being under or intended for separate ownership, in which individual living accommodations are provided for each family. Within the context of this ordinance, all condominiums are planned development projects (see Section 5.060, herein).
- h. Multi-family dwelling means a townhouse or apartment dwelling. For the purposes of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rent partly on a monthly basis and partly for a shorter period of time, but with more than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis, shall be considered a semi-transient residential activity. If over thirty (30) percent of such multi-family units under the same management or ownership are occupied on a biweekly basis or less, they shall be considered as transient lodging activity. (See definition of transient habitation).
- i. Triplex dwelling means three units designed for use by three families located on the same tract (zone lot).
- j. Quadraplex dwellings mean four units designed for use by four families located on the same tract (zone lot).
- k. Prefabricated or modular dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flatbed truck or trailer in more than one section, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. Moreover, to qualify as a prefabricated or modular dwelling, such dwelling must have a pitched roof. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.
- l. Mobile home or trailer means a vehicular portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, built on a chassis, designed for year around occupancy and designed to have no foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle.
- m. Zero lot line dwelling means a building or structure containing two units (duplex), each unit being located on it's own zone lot in separate ownership.
- n. Upper story residential dwelling means the area of a building above the ground floor which is principally used, designed, or adapted for use by one or more households each of which has separate living quarters.

- o. Retirement or assisted living dwelling means an apartment or townhouse containing individual or separate living quarters containing individual cooking and dining facilities, as well as a common cooking facility. Maintenance and nursing services are typically provided on-site, although those who reside on premises are not convalescent.

EASEMENT: A grant of one or more of the property rights by the owner of a piece of property to, or for the use by the public, or another person.

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

EXISTING CONSTRUCTION: Any structure for which the "start of construction" commenced before the effective date of this Ordinance.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

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).

FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (excepting as set forth below) shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four or less boarders, including roomers, may be accommodated. The term "family" as used in this ordinance, shall be construed to include the following as taken from Tennessee Code Annotated, 13-24-102, for the purpose of any zoning law in Tennessee, the classification "single family residence" includes any home in which eight or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include three (3) additional persons acting as houseparents or guardians, who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. All required minimum buildings codes, as well as health and safety standards must be adhered to when considering the housing of disabled, handicapped and mentally retarded persons (see ruling with regard to Clinton, Tennessee federal case).

FAMILY DAY CARE HOME: An occupied residence in which a person provides day care for five (5) or more children or close relatives. Such care in a family day care home is limited to that care given to no more than twelve (12) children, including children living in the home and children of close relatives cared for in the home. (See definition of Day Care Center for comparison).



FINANCIAL, CONSULTING AND ADMINISTRATIVE: Includes the provisions 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 regulation.

FLOOR: Means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

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 the property abutting on one side between an intersecting street and the dead end of the street.

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

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

HEALTH DEPARTMENT: The Cheatham County Health (Environmental) Department.

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

HIGHEST ADJACENT GRADE: Means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC DISTRICT: For the purposes of historical zoning, a geographically definable area with a significant concentration of buildings, structures, sites, spaces, or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations. The significance of a district may be recognized through listing in a local, state, or national landmarks register and may be protected legally through enactment of a local historic district ordinance administered by a historic district board or commission.

HISTORIC STRUCTURE: Means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See Medical Facilities.

HOUSEHOLD: All the persons occupying the premises and living as a single nonprofit housekeeping unit regardless of marital status or relationship as distinguished from a group occupying a lodging house or dormitory or similar type of group use.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Any lot containing five (5) or more immobile cars shall be deemed a junk yard.

LANDSCAPE SURFACE RATIO: The ratio derived by dividing the area of landscaped surface by the total on-site paved area.

LANDSCAPING: The planting and maintenance of trees, shrubs, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping only if such are integrally designed.

LAND SUBJECT TO FLOOD: In applying the provisions of this ordinance, land subject to flood shall be defined as follows:

Along the Cumberland River, Marrowbone Creek, Lennox Branch, Mark's Creek and Dry Fork Creek, and sinkholes and other low places identified as having special flood hazards by the Office of Federal Insurance and Hazard Mitigation (F.I.H.M.). The lands identified as subject to inundation by the 100-year flood and all lands lying below the 100-year flood elevations as demonstrated by the maps and charts in the Flood Insurance Study for the Town of Ashland City, Tennessee, as prepared by the Federal Emergency Management Agency, Office of Federal Insurance and Hazard Mitigation, and all subsequent revisions thereto, which are made a part of this ordinance.

Along Small Streams and Watercourses. The lands lying within one hundred (100) feet of the top of the bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the Planning Commission that the property in question is free from the danger of inundation by the 100-year flood or that adequate remedial measures have been taken to allow the watercourse to safely accommodate the 100-year flood. The developer shall submit such data or studies based on the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by a registered professional engineer as the Planning Commission may reasonably require to adequately make its determination of the flood susceptibility of the property.

LAND WITH INCIDENTAL IMPROVEMENTS: A tract of land which contains improvements including buildings or other structures having a total assessed valuation of five thousand (5,000) or less.

LANDMARK: For the purposes of historical zoning, a building, structure, object, or site which is identified as a historic resource of particular significance.

LIGHT INDUSTRY: Is defined, for the purposes of this ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and, in terms of the absence of the creation of industrial wastes, psychological effects, and the generation of an undue amount of motor vehicle traffic.

LOADING SPACE: An area twelve (12) feet by sixty-five (65) feet with a fourteen (14) foot height clearance, provided for the standing, loading, or unloading of a truck or other vehicle. All loading spaces must contain an impervious such as asphalt or concrete.

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

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

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

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

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

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

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

LOT OF RECORD: A lot which is part of a 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 ordinance.

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

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.

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

MEDICAL FACILITIES:

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

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 services, and staff offices which are an integral part of the facility.

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

MINI-WAREHOUSE: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, controlled access stalls or lockers for the dead storage of the customer's goods or wares. No sales or repair activities are permitted on the premises.

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

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

NEW CONSTRUCTION: Means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

NEW MANUFACTURED, MOBILE HOME PARK OR SUBDIVISION: Means a manufactured home park, mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes or mobile 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 Ordinance.

NONCOMPLYING:

- (a) Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.
- (b) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or

- (c) Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:
- (1) Location along district boundary;
  - (2) Accessory off-street parking and loading;

either on the effective date of this Ordinance or as a result of any subsequent amendment.

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

**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 ordinance.

**OVERALL DENSITY:** The residential density in terms of the minimum lot size per family, or stated dwelling units per acre of any total lot, or development area.

**OWNER:** The person or persons having the right of legal title to, beneficial interest in, or contractual right to purchase a lot or parcel of land. Includes any duly authorized agent or attorney, purchaser, devisee, fiduciary, and/or a person having a vested or contingent interest in the property in question.

**PARKING LOT:** An off-street parking facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit. The entire parking lot shall contain an impermeable surface according to the provisions of this ordinance (see definition of dust free surface).

**PARKING SPACE:** An off-street space available for parking one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, containing no less than ten (10) feet at its narrowest dimension, and having access to a public street or alley.

**PARTY WALL:** A wall on an interior lot line, used or adapted for joint service between two dwellings; such walls shall extend from the foundation to the underside of the roof sheathing, without openings which otherwise would permit the spread of fire from one dwelling to another, and shall fully comply with fire and all other provisions and standards established for such walls in the latest adopted editions of the Standard Fire Protection Code, and the Standard Building Code.

**PERSON:** An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

**PLANNED DEVELOPMENT:** A single planned area of land which 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 developments typically consist of relatively large interrelated residential developments located on a single

tract of land. Mixed use developments of all types are also planned unit developments. Shopping centers of various types fall under this definition of planned development, if there is "fee-simple" ownership of the businesses therein.

PLANNING COMMISSION: The Ashland City Municipal Planning Commission.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

PREFABRICATED DWELLING: See classification k. under the definition of a dwelling.

PRESERVATION: For the purposes of historical zoning, generally, saving from destruction or deterioration old and historic buildings, sites, structures, and objects and providing for their continued use by means of restoration, rehabilitation, or adaptive use.

PRINCIPAL STRUCTURE: A structure which constitutes the principal activity or use located on a zone lot on which it is located.

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

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the Town of Ashland City, and the appropriate Cheatham County Health Official.

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

PUBLIC NOTICE: For the purposes of historical zoning, the classified advertisement of an event, such as a preservation commission meeting, that is published in the local newspaper and posted in the city government building in order to notify the general public of the upcoming event.

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

PUBLIC WASTEWATER SYSTEM: A municipal, 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, community or utility district water treatment and distribution system of a type approved by the State Department of Environment and Conservation.

REACH: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions.

RECONSTRUCTION: For the purposes of historical zoning, the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as is appeared at a specific period of time.

RECREATIONAL VEHICLE: Means a vehicle which is:

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

REHABILITATION: For the purposes of historical zoning, the actor process of returning\_a property or building to usable condition through repair, alteration, and/or preservation of it features which are significant to its historical, architectural, and cultural values.

REQUIRED YARD: That portion of a zone lot that is required by the specific district\_regulation to be open from the ground to the sky, and which may contain only explicitly listed obstructions.

RESTORATION: For the purposes of historical zoning, the act or process of accurately\_taking a building's appearance back to a specific period of time by removing later work and by replacing missing earlier features to match the original.

RETAIN: For the purposes of historical zoning, to keep secure and intact. In the\_guidelines, "retain" and "maintain" describe the act of keeping an element, detail, or structure and continuing the same level of repair to aid in the preservation of elements, sites and structures.

RE-USE: For the purposes of historical zoning. To use again. An element, detail, or\_structure might be reused in historic districts.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street. The\_minimum right-of-way of all local streets shall be fifty (50) feet which measures twenty-five (25) feet from the street center line. On each side of all collector streets, the right-of-way shall be thirty (30) feet from the center line. On arterial streets the right-of-way shall be forty (40) feet on each side of the street center line. Major Collector and arterial streets are shown on the official Major Thoroughfare Plan of Ashland City, Tennessee. Minor collector streets shall be deemed to be all streets that serve the function of collecting traffic from local or minor streets, as determined by the planning commission.

ROADWAY: The actual road surface including necessary road shoulders and drainage\_facilities including ditches, curbs, and gutters, which is used to transport motor vehicles. It is the Town's policy to utilize A.S.H.T.O. standards as minimum design guidelines in the establishment of traffic lane widths throughout the community.

ROOMING UNIT: Living accommodations occupied partly on a monthly or longer basis\_and partly for a shorter time period, but with more than thirty (30) percent of time living units under the same ownership, control, or management on the same zone lot being occupied on a less than monthly basis.

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

SEMI-TRANSIENT HABITATION: Living accommodations occupied partly on a monthly or longer basis and partly for a shorter time period, but with more than thirty (30) percent of the living units under the same ownership, control or management on the same zone lot being occupied on more than a by-weekly basis but on less than a monthly basis. (See transient habitation definition).

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

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" and "posterboard" as well as any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. All signs fall under the definition of a structure as cited in this ordinance. Moreover all billboards and posterboards also fall under this definition. (See Ashland City Sign Ordinance for specific requirements).

SINKHOLE: A topographic feature defining a depression in the ground's surface, typically formed by the collapse of underlying strata, which surface water drains into, but drains out of primarily via infiltration. For the purpose of this Ordinance, a sinkhole shall be considered as encompassing the entire area lying within the depression, plus an additional area fifty (50) feet wide around the edge of the depression (See the following illustration)

SLIPPAGE SOILS: Delrose Soils (the regulation of slippage soils varies with the slope associated with the soil. Two slope categories are used: slopes of less than ten (10) percent, and slopes of ten (10) percent or more). (See the following illustration).

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

SPECIFIED ANATOMICAL AREAS means:

1. Less than completely and opaquely covered:
  - a. Human genitals;
  - b. Pubic region;
  - c. Buttocks;
  - d. Female breasts below a point immediately above the top of the areola;



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

SPECIFIED SEXUAL ACTIVITIES means:

1. Human genital 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, public region, buttocks or female breasts.

STEEP SLOPES: A contiguous area of one-half (0.5) acre or more in which the ground's elevation changes by a minimum of ten (10) vertical feet and having a change of grade in excess of fifteen (15) percent over the entire area (see the following illustration)

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of 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 by the Town of Ashland City.

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, solar devices, satellite or T.V. dishes, signs, and billboards.

SUBDIVISION: Any subdivision or redivision of a parcel of land as defined under the Tennessee Code Annotated. (Also see Ashland City Subdivision Regulations).

SUBSTANTIAL DAMAGE: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds FIFTY (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

SURETY INSTRUMENT: Includes for the purposes of this ordinance a legal surety instrument designed to assure that all required site plan improvements are properly facilitated. Letters of credit and performance bonds from local institutions located in either Cheatham and Davidson County are acceptable types of surety instruments.

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 of sign is intended to be displayed for a short period of time only. (See Sign Ordinance of Ashland City for specific requirements).

TOWN: The Town of Ashland City. Whenever the term city is utilized herein, it also designates the Town of Ashland City.

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

TRANSIENT HABITATION: Separate lodging or living accommodations for rent or lease of a commercial nature. Such uses as hotels, motels, tourist homes and courts, as well as commercial camp grounds (sporting and recreational vehicle camps) fall under this classification. Multi-family dwelling complexes of all types in which more than thirty (30) percent of their units are occupied on a biweekly basis or less shall be considered as being transient habitation.

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

TRAVEL TRAILER (MOTOR HOME) PARK: A plot of land designed and equipped to accommodate travel trailers or recreational vehicles for short periods of time.

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

USE, PRINCIPAL: The specific primary purpose for which land is used.

VARIANCE: Is a grant of relief from the requirements of this Ordinance which permits use or construction in a manner otherwise prohibited by this Ordinance, where specific enforcement would result in unnecessary hardship.

YARD: An open space on the same lot with a principal building or structure, open, unoccupied, and unobstructed by buildings from the ground to the sky, except as otherwise provided in this ordinance, 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 or structure, including porches, and the front lot line. On corner lots two front yards shall be designated, as required by this ordinance. (See lot illustrations in the Appendix Section of this Ordinance).

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building or structure, including porches, and the rear lot line. (See lot illustrations in the Appendix Section of this Ordinance).

YARD(S), SIDE: The required space unoccupied measured between the side lot line and the nearest point of the principal building or structure, situated between the front yard and rear yard on both sides of the principal structure.

ZERO LOT LINE DWELLING: (See definition of dwelling types).

ZONE LOT: For purposes of this ordinance, a zone lot is a parcel of contiguous land which is or may be developed or utilized under single ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on a dedicated permanent easement as regulated in Section 3.030, herein. For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration. As utilized within this Section of the Ordinance, the meaning of a zone lot is synonymous with the term lot.

ZONING MAP: A map, or series of maps and special overlays (the official copy(ies) being maintained at the Ashland City Hall) showing districts and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.

ZONING COMPLIANCE PERMIT: A written permit issued by the Zoning Administrator (the Ashland City Building Inspector), same being required before commencing any construction, reconstruction, alteration of any building or other structure, or before establishing, extending, or changing any activity or use on any zone lot. Building permits and occupancy permits shall be considered as zoning compliance permits.

## 2.030. Use Classification

### General Classification Rules

The purpose of these provisions is to classify uses into a number of specific categories based on their common functional characteristics and compatibility. This provides a basis for regulation of uses according to criteria which are relevant to the public interest in differentiating between zoning districts. A general statement appears with each broad use classification, which is intended to provide guidance as to what their common characteristics are. It is not intended that every use within a grouping should necessarily be permitted within a given zone district. Where specific uses within a particular use grouping are individually listed, only those particular uses are permitted. Where a use grouping is listed without further specification or limitation, any and all uses within that grouping may be permitted.

2.031. Listing of Activity Classifications. All activities are hereby classified into the following activity types:\*

- A. Residential Activities:
  - 1. Permanent
  - 2. Semi-Transient
  
- B. Community Facilities Activities:
  - 1. Administrative
  - 2. Community Assembly
  - 3. Community Education
  - 4. Cultural and Recreation Services
  - 5. Essential Service
  - 6. Extensive Impact
  - 7. Health Care
  - 8. Intermediate Impact
  - 9. Personal and Group Care Facilities
  - 10. Religious Facilities
  - 11. Special Institutional Facilities
  
- C. Commercial Activities:
  - 1. Animal Care and Veterinarian Services
  - 2. Automotive Parking
  - 3. Automotive Service and Repair
  - 4. Building Materials and Farm Equipment
  - 5. Consumer Repair Services
  - 6. Construction Sales and Service
  - 7. Convenience Commercial
  - 8. Entertainment and Amusement Services
  - 9. Financial, Consulting, and Administrative
  - 10. Food and Beverage Service
  - 11. Food Service - Drive-in
  - 12. General Business and Communication Services
  - 13. General Personal Service
  - 14. General Retail Trade
  - 15. Group Assembly
  - 16. Professional Services-Medical
  - 17. Professional Services-Non-Medical

18. Transient Habitation
19. Vehicular, Marine Craft, Aircraft, and Related Equipment Sales, Retail and Delivery
20. Warehousing, Goods, Transport and Storage
21. Wholesale Sales

D. Manufacturing Activities:

1. Limited
2. Intermediate
3. Extensive

E. Agricultural, Resource Production, and Extractive Activities:

1. Agricultural Services
2. Crop and Animal Raising
3. Commercial Feed Lots and Stockyards
4. Mining and Quarrying
5. Plant and Forest Nurseries

2.032. Accessory Uses. In addition to the principal activities above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the use regulation section of each district.

2.033. Classification of Combinations of Principal Activities. The following rules shall apply where a single zone lot contains activities which resemble two or more different activity types and which are not classified as accessory activities.

1. SEPARATE CLASSIFICATION OF EACH ESTABLISHMENT

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

2. SEPARATE CLASSIFICATION OF DIFFERENT MAJOR CLASSES OF ACTIVITIES CONDUCTED BY A SINGLE ESTABLISHMENT

If the principal activities conducted by a single establishment, management, or institution resemble two or more different major classes of activities, to wit, Residential, Community Facilities, Trade, Services, Manufacturing, or Agricultural and Extractive Activities--the principal activities of each major class shall be classified separately.

3. CLASSIFICATION OF DIFFERENT ACTIVITIES WITHIN THE SAME MAJOR CLASS, CONDUCTED BY A SINGLE ESTABLISHMENT

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

2.034. RESIDENTIAL ACTIVITIES: CLASS AND TYPE

2.034.1 ACTIVITIES TYPE - PERMANENT RESIDENTIAL ACTIVITIES

A. Intent and Limitations.

This grouping is intended to include permanent residential activities which involve the occupancy of a dwelling unit as defined by the Ordinance. This form of occupancy shall not be construed to include:

- Institutional living arrangements involving provisions of special care or forced residence, such as nursing homes, assisted living quarters, convalescent homes, rest homes, orphanages, asylums, and prisons; or
- Semi-transient accommodations such as rooming houses and boarding houses, as well as multi-family dwelling complexes having more than thirty (30) percent of their living units occupied on less than a monthly basis; or
- Transient accommodations such as transient hotels, motels, tourist homes, or similar establishments; or
- Dormitories, nurses' residences, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations; or
- In a building with mixed use occupancy, that part of the buildings used for any nonresidential uses, excepting accessory to residential use.

B. Use Listing

The following dwelling unit types, as defined by this Ordinance, are considered as permanent residential activities when located within any district. However, only those dwelling unit types as indicated by individual district regulations may be permitted therein.

Dwelling, Single Detached  
Dwelling, Duplex  
Dwelling, Zero-Lot Line  
Dwelling, Multi-Family  
Dwelling, Mobile Home  
Dwelling, Assisted Living

2.034.2 ACTIVITY TYPE - SEMI-TRANSIENT RESIDENTIAL ACTIVITIES

This grouping is intended to include residential activities which are semi-transient in nature and involve the occupancy of a rooming unit as defined by this Ordinance. This form of occupancy shall not be construed to include:

A. Intent and Limitations

Institutional living arrangements involving provisions of special care or forced residence, such as nursing homes, convalescent homes, rest homes, orphanages, asylums, and prisons; or

B. Use Listing

The following rooming unit types are considered as semi-transient residential activities when they meet the general limitations for a rooming unit. However, only those rooming unit types as indicated within individual district regulations may be permitted therein.

Boarding House  
Rooming House

2.035 COMMUNITY FACILITY ACTIVITIES: CLASS AND TYPE

2.035.1 ACTIVITY TYPE - GOVERNMENT ADMINISTRATIVE SERVICES

A. Intent and Limitations

This grouping is intended to include the activities typically performed by public, utility and private nonprofit administrative offices.

B. Use Listing

City, County, State, and Federal Offices  
Civil Defense Facilities  
Court Buildings  
Fire Department Facilities  
Police Department Facilities  
Post Offices

2.035.2 ACTIVITY TYPE - COMMUNITY ASSEMBLY

A. Intent and Limitations

This grouping includes a broad range of facilities utilized as public gathering places in conjunction with various social and recreational events. This grouping is not intended to include facilities primarily utilized for profit, nor is it to include any facility which has the characteristics associated with extensive impact community facilities.

B. Use Listing

Civic, Social, Fraternal, and Philanthropic Associations, Private (nonprofit) Clubs, Lodges, Meeting Halls (other than Labor Union Halls), and Recreation Centers, Temporary nonprofit Festivals.

2.035.3 ACTIVITY TYPE - EDUCATIONAL FACILITIES

A. Intent and Limitations

This grouping is intended to include services and facilities typically performed by public, parochial, and primary and secondary schools. The grouping is not intended to include special training and schooling services offered by private individuals for profit or technical schools, colleges, and universities.

B. Use Listing

Primary and secondary schools

2.035.4 ACTIVITY TYPE - CULTURAL AND RECREATIONAL SERVICES

A. Intent and Limitations

This grouping is intended to include services and facilities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. The grouping is not intended to include entertainment and amusement facilities which are operated by private persons as profit making ventures.

B. Use Listing

Art Galleries (Non-Commercial)  
Libraries  
Museums  
Parks, Playgrounds, and Athletic Fields  
Recreational Centers and Gymnasiums (Public Non-Profit)  
Swimming Pools and Beaches  
Zoological and Botanical Gardens (Non-Commercial)

2.035.5 ACTIVITY TYPE - ESSENTIAL PUBLIC TRANSPORT,  
COMMUNICATION, AND UTILITY SERVICES

A. Intent and Limitations

This grouping is intended to include facilities necessary and incidental to the operation of transport, communication, and utility services. The grouping is not intended to include major transport terminals or utility production and processing facilities.



B. Use Listing

Electrical and Gas Substations  
Gas, Electric, and Water Distribution Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for all Modes of Transportation  
Sewage Collection Lines  
Telephone Switching Facilities

2.035.6 ACTIVITY TYPE - EXTENSIVE IMPACT FACILITIES

A. Intent and Limitations

This grouping includes public activities and facilities which have a high degree of impact upon surrounding land use due to their hazards or nuisance characteristics, traffic generation, and parking requirements.

B. Use Listing

Airports, Air Cargo Terminals, Heliports,  
Helistops, or any other Aeronautical Devices  
Electricity Generating Facilities  
Garbage Dumps, including Sanitary Landfill  
Indoor Firearms Training Facilities  
Major Mail Processing Centers  
Major Petroleum and Natural Gas Transmissions Lines and Facilities  
Marine Terminals  
Mobile Home, Manufactured Home, and Modular Home  
Sales Lots and Facilities  
Motion Picture and Television Production Lots  
Outdoor Firearms Training Facilities  
Railroad Terminals Railroad Yards and Other  
Transportation Equipment, Marshalling and Storage Yards

2.035.7 ACTIVITY TYPE - HEALTH CARE FACILITIES

A. Intent and Limitations

This grouping includes medical and other health care facilities which are required for promotion and protection of public health and safety. This grouping is not intended to include the offices, clinics, laboratories, etc., of private physicians or other health care professionals.

B. Use Listing

Centers for Observation or Rehabilitation  
Convalescent Homes  
Hospitals  
Medical Clinics

2.035.8 ACTIVITY TYPE - INTERMEDIATE IMPACT FACILITIES

A. Intent and Limitations

This grouping is intended to include activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations.

B. Use Listing

Cemeteries, Columbariums, and Mausoleums  
Boat Docks, Marinas, and Yacht Clubs  
Golf Courses  
Radio and Television Towers and Transmission Facilities  
Water Storage Facilities  
Water and Sewerage Treatment Plants

2.035.9 ACTIVITY TYPE - SPECIAL PERSONAL AND GROUP CARE FACILITIES

A. Intent and Limitations

This grouping is intended to include facilities for the care of very young and/or disabled persons who have need of special care and supervision. The grouping is not intended to include facilities primarily oriented to the provision of medical care or to the long-term care or rehabilitation and medical patients nor is it to include facilities for delinquent minors, criminally dangerous, or psychotic.

B. Use Listing

Associations for Physically or Mentally Handicapped Persons  
Day Care Centers  
Family Day Care Homes (Limited Child Care)  
Nursing Homes  
Rest Homes  
Orphanages

2.035.10 ACTIVITY TYPE - RELIGIOUS FACILITIES

A. Intent and Limitations

This grouping is intended to include facilities utilized by various religious organizations for worship or community services functions. The grouping is not intended to include facilities which primarily function to produce products, including printed matter, for sale or general distribution to groups other than the immediate membership of the organization.

- B. Use Listing
  - Chapels
  - Churches
  - Convents or Monasteries
  - Sanctuaries
  - Synagogues
  - Temples

2.035.11 ACTIVITY TYPE - SPECIAL INSTITUTIONAL CARE FACILITIES

- A. Intent and Limitations

This grouping is intended to include facilities that involve forced residency, full time supervision and/or walk-in care for: (1) individuals legally confined due to violations of law; (2) individuals who are addicted to drugs and/or alcohol; and (3) individuals who are mentally ill, including criminally dangerous.

- B. Use Listing

Detention and/or Correctional Institutions  
Drug and Alcohol Rehabilitation Facilities  
Half-way Houses (serving convicted felons or recovering substance abusers)  
Institutional Care Facilities: (Including all types of asylums for the psychotic or insane)  
Substance Control Centers (Serving recovering substance abusers)

2.036 COMMERCIAL ACTIVITIES: CLASS AND TYPES

2.036.1 ACTIVITY TYPE - ANIMAL CARE AND VETERINARIAN SERVICES

- A. Intent and Limitations

This grouping is intended to include the activities or facilities utilized by veterinarians in the care of small domestic pets. The grouping is not intended to include facilities or services for treatment of large farm animals.

- B. Use Listing

Veterinarian Clinics  
Kennels

2.036.2 ACTIVITY TYPE - AUTOMOTIVE PARKING

- A. Intent and Limitations

This grouping is intended to include facilities for parking and/or storage of operative automotive vehicles. The grouping is not intended to include the storage of junk or scrap vehicles.

- B. Use Listing
  - Auto Parking Lots
  - Parking Garages

2.036.3 ACTIVITY TYPE - AUTOMOTIVE SERVICE AND REPAIR

- A. Intent and Limitations

This grouping is intended to include establishments primarily engaged in furnishing auto repair services to the general public.

- B. Use Listing

- Auto Glass Repair and Replacement Shops
- Auto Inspection and Diagnostic Services
- Auto Paint Shops
- Auto Towing Services
- Automobile Cleaning and Repair Services
- Bus Maintenance and Repair Shops
- Car Washes
- Gasoline Service Stations
- Radiator and Muffler Shops
- Tire Retreading and Repair Shops
- Wheel Alignment and Transmission Repair Shops

2.036.4 ACTIVITY TYPE - BUILDING MATERIALS AND FARM EQUIPMENT SALES

- A. Intent and Limitations

This grouping includes firms engaged in the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, as well as feed and seed used in agricultural pursuits.

- B. Use Listing

- Farm Equipment and Supplies
- Feed Milling and Sales
- Heating, Plumbing, and Electrical Supplies
- Lumber and Other Building Material Dealers
- Retail Nurseries, Lawn and Garden Supply Stores
- Seed Storage and Sales

2.036.5 ACTIVITY TYPE - CONSUMER REPAIR SERVICES

- A. Intent and Limitations

This grouping is intended to include establishments primarily engaged in the repair of miscellaneous objects. The grouping does not include automobile repair of any type.

B. Use Listing

Blacksmith Shops  
Electrical Repair Shops  
Gunsmith Shops  
Instrument Repair Shops  
Lawn Mower Repair Shops  
Locksmith Shops  
Office Equipment Cleaning and Repair  
Refrigeration and Air Conditioning Repair  
Reupholstery and Furniture Repair  
Saddlery Repair Shops  
Watch, Clock, and Jewelry Repair  
Welding Shops

2.035.6 ACTIVITY TYPE - CONSTRUCTION SALES AND SERVICES

A. Intent and Limitations

This grouping include the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

B. Use Listing

Builder's Hardware  
Carpentering Contractors  
Concrete Contractors  
Excavation Contractors  
General Building Contractors  
Glazing Building Contractors  
Highway and Street Construction Contractors  
Masonry, Stonework, Tile Setting, and Plastering Contractors  
Painting, Paper Hanging, and Decorating Services  
Plumbing, Heating, and Electrical Contractors  
Roofing and Sheet Metal Contractors

2.036.7 ACTIVITY TYPE - CONVENIENCE COMMERCIAL

A. Intent and Limitations

This grouping is intended to include firms engaged in the retail sale, from the premises, of goods and services which are needed immediately and often and which are purchased where it is most convenient for the shopper; as well as the provision of personal convenience services which are typically needed frequently or recurrently.

B. Use Listing

Bakeries  
Barber Shops  
Candy, Nut and Confectionery Stores  
Convenience Markets where gasoline may be sold

Diary Products  
Drug Stores  
Fruit Stores  
Hardware Stores  
Health Spas  
Laundry, Cleaning and Garment Services  
Meat and Fish Markets  
News Stands  
Shoe Repair Shops  
Vegetable Markets

2.036.8 ACTIVITY - ENTERTAINMENT AND AMUSEMENT SERVICES

A. Intent and Limitations

This grouping is intended to include establishments engaged in providing amusement or entertainment on payment of a fee for admission charge.

B. Use Listing

Art Galleries--Commercial Bowling  
Alleys and Billiard Parlors  
Coin Operated Amusement Arcades  
Commercial Recreation  
Golf Courses and Driving Ranges  
Riding Stables  
Skating Facilities  
Swimming Pools and Beaches  
Tennis Courts  
  
Dance Halls  
Exhibition Halls and Commercial Auditoriums  
Gardens (Botanical and Zoological)  
Marinas, Boat Docks, and Boat Rental  
Motion Picture Theaters  
Motion Picture Theaters-Drive-In  
Recording and Television Production Studios  
Theaters - Legitimate  
Theatrical Producers, Bands, Orchestras, and  
Entertainers

2.036.9 ACTIVITY TYPE - FINANCIAL, INSURANCE, REAL ESTATE,  
AND CONSULTIVE, SERVICES

A. Intent and Limitations

This grouping includes firms engaged in the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These include the executive, management, or

administrative activities of private, profit oriented firms but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this ordinance.

B. Use Listing

Agricultural Credit Institution  
Banking and Bank-Related Functions  
Credit Unions  
Holding and Investment Organizations  
Installment Sales Finance Companies  
Insurance Sales and Services  
Money Management and Investment Offices  
Real Estate Brokers, Managers, and Appraisers  
Rediscount and Financing Institutions for Credit  
    Agencies Other than Banks  
Savings and Loan Associations  
Securities Commodities, Brokers, Dealers, and Exchanges  
Title Offices

2.036.10 ACTIVITY TYPE - FOOD AND BEVERAGE SERVICE

A. Intent and limitations

This grouping is intended to include retail establishment selling prepared foods and drinks to the general public primarily for consumption on the premises. The grouping is not intended to include food preparation facilities which are not open to the general public and are operated as a subordinate service for benefit of employees engaged in other activities.

B. Use Listing

Cafes  
Cafeterias  
Restaurants  
Taverns

2.036.11 ACTIVITY TYPE - FOOD SERVICE TAKE-OUT

A. Intent and Limitations

This grouping is intended to include establishments engaged in the retail sale of prepared food or beverages for either take out or on premises consumption either within the principal structure or within a vehicle parked on the same lot.

B. Use Listing

Drive-In Restaurants  
Fast Food Restaurants

2.036.12 ACTIVITY TYPE - GENERAL BUSINESS SERVICE

A. Intent and Limitations

This grouping includes firms engaged in the provision of clerical, goods brokerage, communications, copying and blueprint services, custom printing (except books) but excludes the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

B. Use Listing

Advertising Agencies and Services  
Bus and Transit Terminals for Passengers  
Commercial Cleaning Services  
Commercial Testing Laboratories  
Communication Services:  
    Radio and Television Broadcasting Studios  
    Telegraph Offices and Message Centers  
    Telephone Exchanges and Relay Towers  
    Television and Recording Production Studios  
Computer and Data Processing Services  
Credit Reporting, Adjustment, and Collection Agencies  
Detective Agencies and Protective Services  
Drafting Services  
Employment, Personnel, and Temporary Help Services  
Exterminating Services  
Interior Decorator and Consulting Services  
Mailing, Reproduction, and Commercial Art Services  
Management, Consulting, and Public Relations Services  
Membership Organizations:  
    Automobile Clubs  
    Better Business Bureaus  
    Chamber of Commerce  
    Labor Unions  
    Political Organizations  
    Professional Associations  
News Syndicates  
Photofinishing Services  
Research and Development Laboratories  
Trading Stamp Services  
Travel Agencies  
Vehicular and Equipment Rental and Leasing Services

2.036.13 ACTIVITY TYPE - GENERAL PERSONAL SERVICES

A. Intent and Limitations

This grouping includes firms engaged in the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services but excluding goods and services listed in the other classifications herein.



B. Use Listing

Funeral and Crematory Services (Undertaking Services)  
Catering Services  
Clothing Repair and Rental  
Photographic Studios  
Hat Cleaning Shops  
Special Training and Schooling Services:  
    Art and Music Schools  
    Barber and Beauty Schools  
    Dancing Schools  
    Driving Schools  
    Athletic Clubs

2.036.14 ACTIVITY TYPE - GENERAL RETAIL TRADE

A. Intent and Limitations

This grouping includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services; but excluding goods and services listed under other activity types.

B. Use Listing

Antique and Second Hand Merchandise Stores  
Automotive Parts (No Exterior Storage)  
Book and Stationery Stores  
Camera Stores  
Children's and Infant's Stores  
Department Stores  
Drapery, Curtain, and Upholstery Stores  
Family Clothing Stores  
Floor Covering Stores  
Florists  
Furniture Stores  
Furriers and Fur Shops  
Gift Shops  
Grocery Stores  
Hardware Stores  
Hobby, Toy, and Game Stores  
Household Appliance Stores  
Jewelry Stores  
Luggage Shops  
Men's and Boy's Clothing and Furnishing Stores  
Miscellaneous Apparel and Accessory Stores:  
    Bathing Suit Stores  
    Custom Tailors  
    Shirt Shops  
    Sports Apparel Stores  
    Uniform Stores  
Miscellaneous General Merchandise Stores:  
    Direct Selling Organizations  
    Mail Order Houses

Miscellaneous Home Furnishings Stores:

- Bedding and Linen Stores
- Cookware Stores
- Cutlery Stores
- Glassware and China Shops
- Lamp and Shade Shops
- Paint and Wallpaper Stores

Music Stores

News Stands

Proprietary Stores

Radio and Television Stores

Sewing and Piece Goods Stores

Shoe Stores

Sporting Goods Stores

Tobacco Shops

Variety Stores

Women's Accessory and Specialty Stores

Women's Ready-to-Wear Store

2.036.15 ACTIVITY TYPE - GROUP ASSEMBLY

A. Intent and Limitations

This grouping includes the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (500 or more) or that have a substantial potential impact upon adjoining property.

B. Use Listing

Amusement Parks and Fairgrounds

Commercial Camp Grounds

Commercial Resorts

Commercial Sports Arenas and Playing Fields

Race Tracks (Auto, Motorcycle, Dog, and Horse)

Schools for Profit

Colleges and Universities

Technical and Trade Schools

Drag Strips

Exhibit Show Buildings and Facilities

2.036.16 ACTIVITY TYPE - PROFESSIONAL SERVICES - MEDICAL

A. Intent and Limitations

This grouping is intended to include establishments primarily engaged in providing medical, dental, and other health services to individuals. The grouping does not include services provided at general care facilities located within Community Facilities Health Care.

B. Use Listing

Chiropractors Offices  
Dental Offices and Laboratories  
Medial Laboratories  
Optometrists  
Physicians' Offices and Clinics (Out Patient Services)  
Psychologists and Psychotherapists  
Medical Facilities

2.036.17 ACTIVITY TYPE - PROFESSIONAL SERVICES - NON MEDICAL

A. Intent and limitations

This grouping is intended to include a broad listing of generally recognized professions, other than medicine, which are compatible with one another and tend to exert similar impacts upon their surroundings.

B. Use Listing

Accounting, Auditing, and Bookkeeping Services  
Artists Studios  
Attorneys and Law Offices  
Consulting Scientists  
Educational and Scientific Research Services  
Engineering and Architectural Services  
Songwriters and Music Arrangers  
Urban Planning Services  
Writers and Lecturers

2.036.18 ACTIVITY TYPE - TRANSIENT HABITATION

A. Intent and Limitations

This grouping is intended to include commercial and institutional establishments engaged in furnishing lodging, or lodging and meals on a fee basis.

B. Use Listing

Hotels, Motels  
Tourist Homes or Courts  
Sporting and Recreational Vehicle Camps  
(Commercial Camp Grounds)

2.036.19 ACTIVITY TYPE - VEHICULAR, MARINE CRAFT, AIRCRAFT AND RELATED EQUIPMENT SALES, RENTAL AND DELIVERY

A. Intent and Limitations

This grouping is intended to include the retail dealers selling new or used automobiles, boats, aircraft, recreational vehicles, utility trailers and

motorcycles. The grouping is not intended to include automotive distributors, the greater part of whose sales are to dealers or to institutional or industrial uses (See Wholesale Trade-Durable Goods).

B. Use Listing

Aircraft Dealers  
Automobile Dealers  
Boat Dealers  
Motor Vehicle Dealers (New and Used)  
Motorcycle Dealers  
Recreational and Utility Trailer Dealers

2.036.20 ACTIVITY TYPE - WAREHOUSING, GOODS TRANSPORT, AND STORAGE

A. Intent and Limitations

This grouping is intended to include establishments and facilities associated with the warehousing, storage, and transport of goods. Due to the very close relationship between these uses and manufacturing activity and to the extensive impact of the truck traffic, etc., associated with these uses, they are included within this grouping even though certain aspects of these uses are closely aligned with wholesale trade activity.

B. Use Listing

Freight Forwarders  
General Warehousing  
Household Goods Storage  
Local and Long Distance Trucking Terminals  
Packing and Crating Services  
Refrigerated Warehousing  
Truck Terminals and Freight Handling  
Wholesale Distribution Centers

2.036.21 ACTIVITY TYPE - WHOLESALE SALES

A. Intent and Limitations

This grouping includes storage uses only when goods are sold from the premises to other firms for resale; but excludes sale or storage of motor vehicles, except for parts and accessories.

B. Use Listing

Apparel, Piece Goods, and Notions  
Beer, Wine and Distilled Alcoholic Beverages  
Chemicals and Allied Products  
Drugs, Drug Proprietaries, and Sundries  
Electrical Goods and Appliances  
Farm Products, Raw Materials  
Farm Supplies  
Furniture and Home Furnishings

Groceries and Related Products  
Hardware, Plumbing, and Heating Equipment and Supplies  
Lumber and Other Construction Materials  
Machinery, Equipment, and Supplies  
Metals and Minerals  
Motor Vehicle and Automotive Parts and Supplies  
Paints, Varnishes, and Supplies  
Paper and Paper Products  
Petroleum and Petroleum Products  
Sporting, Recreational, Photographic, and Hobby Goods  
Tobacco and Tobacco Products  
Toys and Supplies

**2.037 INDUSTRIAL ACTIVITIES: CLASS AND TYPES**

2.037.1 ACTIVITY TYPE - MANUFACTURING - LIMITED

A. Intent and Limitations

This grouping is intended to include manufacturing operations which involve the compounding, processing, assembling, packaging, treatment or fabrication of materials necessary to create the following products:

Apparel accessories, such as hats, jewelry, and umbrellas  
Art Objects  
Bakery Goods  
Beverages (non alcoholic)  
Dairy Products  
Instruments for Scientific, Medical, Dental,  
Engineering, and Other Professional Purposes  
Optical Instruments and Lens  
Printed Matter  
Signs

All activities and operations within this grouping shall in all respects comply on a continuous basis with the performance standards applicable within the I-1 and I-2 (Light Industrial District).

B. Use Listing

In addition to the manufacturing of the above products, the following activities and operations are held to be limited manufacturing activity:

Book Binding  
Data Processing Service  
Photocopying  
Photoengraving  
Precision Machining of Dies, Jigs, and Fixtures  
Printing  
Publishing  
Record Pressing  
Upholstering

2.037.2 ACTIVITY TYPE - MANUFACTURING - INTERMEDIATE

A. Intent and Limitations

This grouping is intended to include a broad range of manufacturing operations. All activities and operations within this grouping shall in all respects comply on a continuous basis with the performance standards applicable within any Industrial District. The grouping does not include the manufacture, compounding, assembling, packaging, treatment or fabrication of the following:

- Cotton Seed Oil
- Explosives
- Fireworks
- Organic Fertilizers

B. Use Listing

Subject to the general intent and limitations set out above for this type of manufacturing uses type of manufacturing use grouping all types of variations of manufacturing activities and operations excepting the following shall be considered intermediate manufacturing.

- Abrasive, Asbestos, and Non-metallic Mineral Processing
- Asphaltic Cement Plants
- Atomic Reactors
- Automobile Wrecking Yards
- Cement and/or Concrete Plants
- Chemical Manufacturing in excess of 1 ton per day
- Cotton Ginning
- Fat Rendering
- Foundries
- Grain Milling
- Junk Yards
- Offal Processing
- Lumber and Wood Products Manufacturing
- Meat Products Manufacturing
- Dyeing and Finishing of Textiles
- Primary Metal Industries
- Ordinance and Accessories Manufacturing
- Automotive, Truck, and Vehicle Assembly Manufacturing

2.037.3 ACTIVITY TYPE - MANUFACTURING - EXTENSIVE

A. Intent and Limitations

This grouping is intended to include all intermediate manufacturing activities (Described in A and B) and the exceptions made for that grouping, excepting the use listed below in B.

B. Use Listing

The following activities are held not to fall within the general definition of extensive manufacturing activities.\*

Arsenals  
Atomic Reactors  
Explosives Manufacturing and Storage  
Fireworks Manufacturing  
Radioactive Waste Handling  
Solid Waste Disposal (Landfill)

2.038 AGRICULTURAL AND EXTRACTIVE ACTIVITIES: CLASS AND TYPES

2.038.1 ACTIVITY TYPE - AGRICULTURAL ACTIVITIES

A. Intent and Limitations

This grouping is intended to include a variety of service functions which are directly linked to the agricultural activities which these functions support.

B. Use Listing

Crop Drying, Storage, and Processing  
Crop Planting, Cultivating, and Protection  
Horticultural Services  
Soil Preparation Services  
Veterinary Services for Large Animals

2.038.2 ACTIVITY TYPE - CROP AND ANIMAL RAISING

A. Intent and Limitations

This grouping is intended to include the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

B. Use Listing

Dairies  
Farms  
Raising of Plants, Animals, and Fish  
Truck Gardens

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\*The definition of Extensive Manufacturing Activities may be expanded to include the preceding exceptions upon the consideration of a specific proposed use by the Board of Zoning Appeals.

2.038.3 ACTIVITY TYPE - FEED LOTS AND STOCKYARDS

A. Intent and Limitations

This grouping is intended to include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

B. Use Listing

Feed Lots  
Stockyards

2.038.4 ACTIVITY TYPE - MINING AND QUARRYING

A. Intent and Limitations

This grouping is intended to include operations of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other non-metallic minerals (such as phosphate rock).

B. Use Listing

Chemical Fertilizer and Non-metallic Mineral Mining  
Clay, Ceramic, and Refractory Minerals  
Coal Mining  
Crude Petroleum and Natural Gas Production and Field  
Metal Ore and Mineral Mining  
Sand and Gravel Quarrying  
Stone Quarrying

2.038.5 ACTIVITY TYPE - PLANT AND FOREST NURSERIES

A. Intent and Limitations

This grouping is intended to include the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

B. Use Listing

Forest Nursery  
Plant Nursery





ARTICLE III  
GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only one (1) principal structure on any residential lot
- 3.030 Lot must abut a public street
- 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 Buffer strips
- 3.120 Plot plan requirements
- 3.130 Solar orientation
- 3.140 Landscape treatment regulations
- 3.150 Standards pertaining to tree preservation and protection
- 3.160 Standards applying to steep slopes
- 3.170 Standards applying to slippage soils
- 3.180 Standards as apply to development near sinkholes
- 3.190 Performance standards
- 3.200 Standards applying to grading operations
- 3.210 Establishment and purpose
- 3.220 Definitions
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3.010. Scope. For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the city as a whole.

3.020. Only one (1) principal structure on any residential lot. Only one (1) principal structure and its customary accessory building or structure may hereafter be erected on any residential lot. This provision does not prohibit planned development complexes as permitted under ARTICLE V, Section 5.060, of this ordinance, multi-family dwellings, or mobile home parks.

3.030. Lot must abut a public street. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least thirty (30) feet, unless it abuts for at least thirty (30) feet on a street that has been shown on a final subdivision plat as approved by the Ashland City Municipal Planning Commission, or unless said lots abuts for at least fifty (50) feet on a permanently dedicated easement according to the following standards:

- (1) such easement shall be at least fifty (50) in width throughout its entire length, and shall not be used to provide access to more than one (1) lot or tract of land.
- (2) no access to any lot fronting a public street shall be utilized as access to any other lot not having public street frontage by way of a publicly dedicated easement.
- (3) no easement shall exceed seven hundred (700) feet in length.
- (4) driveway on easement shall be constructed to minimize erosion or rapid deterioration.
- (5) the topography of the easement shall be kept to a minimum and must be able to provide true access to the property.
- (6) maintenance of the easement shall be the responsibility of the property owner(s).
- (7) all required utility easements shall be located outside the fifty (50) foot roadway easement.
- (8) any further subdividing on the easement shall require the development or building of a public road and meet all road standards and other requirements as stated in the Subdivision Regulations of Ashland City, Tennessee.
- (9) Shared access easements. (See Appendix B, for Figures 1 & 2)

In the subdivision of property, the planning commission may require the formal establishment of private driveway easements or may impose other conditions that require multiple lots or parcels to have shared vehicle access locations to arterial roads such as through the use of private rear access roads or private frontage roads where, in accordance with commonly accepted and applied traffic engineering principles, such is necessary to provide for the safe and efficient flow of traffic upon such streets.

Such shared access easements should not be held to the restrictions of (1), (2), (3), or (8) as stated above.

Public road construction may be substituted for private shared access easements.

Where shared access easements are required, the approved subdivision plat shall state that the transfer of lots shall be subject to the provision of such easements which shall provide for a guaranteed unrestricted right of access to all other owners providing such easements. Said plat shall further state that all owners of lots subject to shared access easements shall be required to execute an agreement specifying responsibility for construction and perpetual maintenance of such easements in accordance with the approved access plan. Said agreement shall specify that the parties thereto shall hold the Town of Ashland City harmless from any and all liabilities resulting from unsafe conditions on the shared access easement. Copies of such agreements from the current owners of all lots through which shared access easements are to run shall be filed with the Town Manager or his designee. Construction on the shared access easement shall not be commenced until all such agreements are thus filed. Copies of all subsequent amendments to such agreements shall also be filed with the Town Manager or designee.

A minimum of a ten (10) foot landscaping strip shall be required between the easement and the arterial roadway. This shall be improved according to the Ashland City landscaping regulations.

All shared access easements shall be constructed with appropriate road base and surfaced with asphalt or concrete and capable of withholding the traffic load as deemed acceptable by the planning commission, upon advice of the Town Engineer.

In the event the owners fail to maintain any shared access easement in a safe and stable driving condition for the motorists, the Town Manager or designee, after appropriate notice, may remedy the condition and bill the owners for all reasonable costs. Should the owners fail to pay the Town the amount of such charge within thirty (30) days from receipt of a certified invoice, the amount of said invoice shall be certified to the Town Attorney who shall process a lien on the properties upon which the expenditure was made.

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

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, center line 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 rights-of-way as shown in the most current official Ashland City, Tennessee Major Thoroughfare Plan Map.

3.070. Reduction in lot area prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. Whenever there are several coterminous substandard lots in the same ownership, such lots shall be required to be combined in order to meet the minimum lot and area requirements of the applicable zoning district.

3.080. Obstruction to vision at street intersections and railroad intersections prohibited. On a corner lot in any district except the Central Business District, within the area formed by the center lines of the intersecting or intercepting streets and/or railroads and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street and/or railroad at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

3.090. Access control.\* In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact the following regulations shall apply:

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width for all residential, retail and commercial services land uses. All points of access shall be so constructed as to provide for proper drainage of property and public street. A minimum of a eighteen (18) inch culvert shall be provided in the ditch line. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width.
- B. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of any public intersection. On collectors or arterials this minimum shall be forty-five (45) feet.
- D. No curbs on city streets or right-of-way shall be cut or altered without written approval of the Ashland City Street Superintendent, and if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than thirty (30) 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 onto a public street.

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

- A. Be customarily incidental to the principal use established on the same zone lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Not exceed forty (40) percent of the total square footage of the principal structure on any residential lot, not to exceed six hundred (600) square feet in size. If however, the subject property is at least two (2) acres in size, the Board of Zoning

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\*See Illustrations in Appendix.

Appeals shall have the discretion to vary this requirement under the conditional use provisions of this ordinance. If freestanding, it shall be located in the rear yard in relation to the principal structure on any zone lot.

F. Be located at least five (5) feet from any officially designated public utility and/or drainage easement, and if there is no designated easement, no less than five (5) feet from the property line.

3.110. Buffer strip. Where a use is established in areas zoned nonresidential (C-1, C-2, C3, P-O, I-1, I-2, and I-3) which abuts at any point upon property zoned residential (R-1, R-2, R-3, R -4, and R-5), the developer of said use shall provide a buffer strip, as defined herein at the point of abutment. Moreover, there shall (also) be installed at least a five (5) foot tall galvanized metal mesh fence, or other acceptable type of fence, i.e., wood, brick, or wrought iron along the entire length of such abutment, when deemed necessary by the planning commission. Whenever, a wooden fence is required, the good, finished side of said fenced must face toward the outside of the property whereon the buffer is situated. A buffer strip shall also be planted and/or placed around the perimeter of any planned development or multi-family dwelling complex situated

w i t h i n a n y R-1, R-2, R-3, or R-4 Zoning District, except where such use is situated adjacent to another multifamily dwelling or a planned development project. Furthermore, there shall be installed around the rear and sides of all drive -in restaurants, a five (5) foot wooden or metal, mesh fence designed to keep litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Planning Commission.

### 3.120. Plot plan requirements.

A. Ten (10) copies of all proposals (applications for building permits) for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings in single ownership), shall be submitted to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the planning commission at a scale no smaller than 1"-60', showing contours at five (5) foot intervals; required automobile storage areas; sidewalks abutting all public streets; a graphic cross-section of any on-site paving that is required; servicing sewer and water utilities with reference to location, availability, compatibility, and easements; the location of servicing fire hydrants in relation to minimum locational standards, as well as in relation to possible impediments such as driveways, buildings, structures, and landscaping which may obstruct access for other fire apparatus equipment; loading and unloading spaces; maneuvering areas; openings for ingress and egress to public streets; the location of the centerline, the right(s)-of-way, and the edge of pavement of existing streets, as well as the location of existing curbing where applicable; the total square footage of all on-site paved area; the location of all on-site landscaping, and a tabular listing thereof as per Section 3.140; the enumeration by type and caliper size of endangered tree species and/or protected tree species along with a tabular listing and graphic layout of any required replacement and supplemental trees as regulated in Section 3.150 herein; the location of and tabular enumeration in terms of acreage of areas containing slippage soils, steep slopes, and sinkholes as regulated in Sections 3.160 - 3.180 herein as well as the placement of a notation on the plot plan that the applicable provisions have been satisfied; a proposed drainage plan; the density of development or the required open space; the number of stories (all residential and commercial structures three (3) or more stories in height must have their plans approved by the State Fire Marshall's Office); the number of dwelling units per acre if applicable; all required building setbacks and other yard

requirements; as well as a location map showing the relationship of the proposal to scale, to other development, land uses, and streets.

B. Proposals for planned developments and mobile home parks shall follow separate provisions outlined in Article V, Section 5.060 and Article IV, 4.080, in this ordinance.

C. The above applications must be supported by any other information or data as might be deemed necessary by the Ashland City Municipal Planning Commission.

D. All plot plans shall be prepared and stamped by an individual licensed and certified by the State of Tennessee to perform such design service as is required above.

E. Performance bonds or letters of credit for plot plans shall be provided according to the following provisions:

1. All plot plans presented for review and approval to the Ashland City Municipal Planning Commission shall present the planning commission with a document indicating an intent to file a performance bond or letter of credit for improvements shown on the site in the amount of one hundred and ten (110) percent of cost of said improvements. Such document shall be approved by the city engineer, or other specified city employee. It shall specify the amount of such bond or letter of credit by specific type of on and or off-site improvements required, i.e., drainage requirements, landscaping, paving, utilities, etc.
2. Said improvements shown on the plot plan may include, but are not limited to, existing road improvements, buffer strips, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, or any other improvements required by the planning commission before the plot plan is approved.
3. The performance bond or letter of credit must be payable to the Ashland City Mayor and City Council.
4. The performance bond or letter of credit shall be retained for a period of one year from the issuance of the building permit which pertains to the approved plot plan. However, if improvements have been made within the one year period, the Mayor and City Council may release the bond after the inspection of all required improvements, and approval of those improvements by the planning commission, or its authorized representative, the city engineer. If improvements have not been installed in a satisfactory manner, the Mayor and City Council of the Town of Ashland City shall cash the performance bond or letter of credit to facilitate the completion of such improvements.

F. The approval of any plot plan (site plan) granted under the provisions of this section (Section 3.120) shall become expired in any situation wherein a building permit has not been officially obtained within one (1) year of the official approval of said plot plan (the date wherein the planning commission approved said plot plan). Any application for a building permit for any land use depicted on an approved plot plan which is made beyond a year after the approval of such plot plan shall be denied and no such permit shall be granted until a new plot plan is

prepared and approved by the planning commission under all the terms established within Section 3.120, of this ordinance. Any such resubmittal shall be stamped by the preparing professional utilizing the current date.

G. Where the application for a Commercial project is located on property previously zoned Commercial with a nonconforming use, i.e., zoned Commercial but occupied as Residential, a Site Plan shall be submitted to the Building Official for review. Upon submission of a Site Plan meeting all requirements, a permit for the proposed project may be issued by the Building Official provided all other requirements of the Zoning Resolution are met. ***(Added by Ordinance 344 on 6-10-2008)***

H. Site Plan Exceptions ***(Added by Ordinance 376, December 14, 2010)***

Exceptions

Minor additions or alterations 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 or alterations to buildings in industrial districts of no more than twenty-five (25) percent of the size of the building(s)
2. Additions or alterations to buildings in commercial districts of no more than twenty-five (25) percent of the size of the building(s)
3. That there is compliance with the landscaping and parking requirements for increased building size or change in use for those structures meeting the requirement of (1) and (2) above. In cases where landscaping must be removed for construction equal area and equivalent plantings shall be installed in a manner similar to that prior to construction.
4. Applicants for development under the terms of these exceptions shall submit for review such information necessary as determined by the Building Official to ensure compliance with the requirements of this ordinance, including but not limited to landscape, parking, and building construction plans.

3.130. Solar orientation. Solar orientation devices shall be subject to all required front yard setbacks. If such devices are located in side yards they shall be no closer than ten (10) feet from side property lines. If such devices are located in any rear yard they shall be no closer than eight (8) feet from any side and rear property line. The use of solar/energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on an east/west axis to the greatest possible extent in order that all lots be oriented



With their greatest dimension on a north/south axis. Whenever possible, lot orientation from the north/south axis should vary no more than twenty (20) degrees from the north/south axis. There shall be no solar device within any portion of the required front yard.

3.140. Landscape treatment regulations.\*

A. Purpose and Intent. The purpose and intent of this section is to preserve and promote the health, safety, and general welfare of the public; to facilitate the creation of a convenient, attractive, and harmonious community; to conserve properties and their values; and to preserve the character of an area by preventing the harmful effects of prejudicial land uses. More specifically, this section is intended to require the landscaping of parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, the glare of motor vehicle lights, the level of carbon dioxide in the atmosphere, and soil erosion, while providing shade, and enhancing the blighted appearance of parking lots.

B. Applicability. The provisions of this section shall apply to all developments within the Town of Ashland City with the exception of single-family and two-family dwellings each of which is in "fee-simple" ownership, as follows:

1. New Sites

No new site development, building or structure shall hereafter be constructed which involves the creation or utilization of any vehicular use area\*\* unless landscaping as required by the provisions of this section is provided.

2. Change of Use

No use shall be changed to another use for which the zoning ordinance requires additional parking over and above that required for the previous use, unless vehicular use area landscaping as required by this section is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the expanded parking requirements for the new uses.

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\*See Illustrations in Appendix for guidance.

\*\*Vehicular use area as used in this ordinance shall mean any ground surface area except public rights-of-way, used by any type vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included are activities of a drive-in nature in connection with banks, restaurants, gasoline stations, grocery stores, etc.

C. Definitions. All plant materials utilized under the provisions of this section shall be living plants (artificial plants are prohibited) and shall fall under the scope of the following definitions:

Quality - Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with exception of shrubs and hedges, vines and ground covers shall be prohibited. (See classification of Plant Materials in the Appendix for acceptable plantings).

Deciduous Trees - (Trees which normally shed their leaves in the fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet, and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above the ground for trees up to four (4) inches caliper) of at least one and three fourths (1 3/4) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

Evergreen Trees - Evergreen trees shall be a minimum of six (6) feet high.

Shrubs and Hedges - Shrubs and hedges shall be at least two (2) feet in average height with three (3) canes when installed. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of final approval of each planting or replanting. Privet, ligustrum species cannot meet the opacity requirements and may not be used to satisfy the requirement of this section. The height of the planting shall be measured from the level of the vehicular use area at the edge closest to the screening.

Vines - Vines shall be at least twelve (12) inches high at planting, and are to be generally used in conjunction with walls or fences.

Grass or Ground Cover - Grass of the fescus (Festuca) or Bluegrass (Poaceae) family shall be planted in species normally grown in Ashland City as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and have seventy- five (75) percent of complete coverage after two (2) complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar materials, if approved by the planning commission, or the board of zoning appeals wherever additional parking is required by any application for a Special exception.

D. Existing Landscaping Material:

Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the enforcing officer such material meets the requirements and achieves the objectives of this article. Existing healthy trees may be substituted for trees required for vehicular use property or for interior landscaping by using the following criteria: a six (6) inch to twelve (12) inch caliper tree surrounded by a minimum of one hundred fifty (150) square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a twelve (12) inch to twenty-four (24) inch caliper tree surrounded by a minimum of two hundred fifty (250) square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a twenty-four (24) inch or greater caliper tree surrounded by a minimum of three hundred (300) square feet of landscape area may be substituted for four (4) trees of the required minimum size.

E. Minimum and Maximum Area Standards:

The following general and specific area standards shall be met:

1. General Standard

Sites should not be completely covered with impermeable surfaces, which prevent percolation back into the soil and can cause erosion, street flooding, and/or overloading of storm sewer systems. A minimum of fifteen (15) percent of the site or zone lot shall be devoted to permeable surfaces, with ten (10) percent of devoted to landscaping.

2. Specific Standards:

a. Area

The minimum individual landscaped area permitted shall be sixty-four square feet, with a four (4) foot minimum dimension to all trees from the edge of the pavement. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than three hundred-fifty (350) square feet in vehicular use areas under thirty thousand (30,000) square feet in size, and no required area shall be larger than fifteen hundred (1,500) square feet in vehicular use areas over thirty thousand (30,000) square feet. In both cases, the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where there is a vehicle overhang.

b. Trees and Bushes

A minimum of one (1) tree shall be required for each two hundred and fifty (250) square feet, or fraction thereof of required landscape

area. No less than four (4) shrubs shall be required for each required tree (for each two hundred and fifty (250) square feet, or fraction thereof of required landscape area). Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs not to exceed two (2) feet in height, and ground cover.

F. Landscape Treatment Plan:

Ten (10) copies of a landscape treatment plan signed and stamped by a licensed landscape architect, certified to practice in Tennessee, as required by this section shall be prepared at a scale no smaller than 1"=50' showing the location of all landscaped areas, the specific nature of the existing and proposed landscaping, parking aisles, individual parking areas, ingress and egress points, utility easements, dimensions of the lot, the topography of the lot, storm water drainage characteristics, any applicable buildings, and building setback lines. The landscape treatment plan shall be a portion of the plot plan whenever it is required by this Article.

The landscape treatment plan shall be submitted to City Hall no later than twenty (20) days prior to the planning commission meeting, or Board of Zoning Appeals meeting in the case of all special exceptions.

G. Enforcement:

The provisions of this subsection shall be jointly and severally used to assure performance of this section.

1. Surety Instrument

The landscaping plan as submitted and approved shall be secured by a letter of credit made payable to the city in an amount equal to the estimated cost of the landscaping plus ten (10) percent, at the time of the issuance of a building permit whenever plot plan approval is involved, or at time of the issuance of an occupancy permit whenever a special exception is involved, or at the time of the issuance of an occupancy permit whenever a change in use is involved. The period within which all required landscaping improvements must be completed shall not exceed one (1) year, at which time said letter of credit shall be called to complete the approved landscaping plan, if such improvements have not been properly completed. However, at the planning commission's discretion, such letter of credit may be extended for a period not to exceed six (6) months. If this is done an additional five (5) percent of the cost of securing all necessary improvements must be figured into the newly reanalyzed letter of credit. At the end of this period of time, said letter of credit shall be called to facilitate all required improvements if such have not been already completed. Said letter of credit shall be obtained solely from commercial banks and federally chartered savings and loan associations located in Cheatham or Davidson County.

2. Building Permit and Certificate of Occupancy

Where landscaping is required under the provisions of this section, no building permit shall be issued until the required landscape plan has been

submitted and approved by the planning commission whenever changes of use or plot plans are involved, or by the board of zoning appeals when landscaping pertains to special exceptions. In no case shall any certificate of occupancy be issued until the landscaping is certified as having been installed, or either a letter of credit is received to guarantee such installation.

a. Exceptions (*Added by Ordinance 376, December 14, 2010*)

Those projects granted exception under provisions of Article III, Section 3.120, Subpart H, may be issued a building permit and certificate of occupancy upon Building Official review and approval of proposed development, alteration, or addition and certification of compliance with the requirements of this ordinance.

H. Maintenance:

All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this section at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Topping trees or the severe cutting of limbs to stubs larger than three (3) inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this section.

3.150. Standards pertaining to tree preservation and protection.

3.150.1. The purpose of this section is to promote the health, safety, and public welfare within the Town of Ashland City through the maintenance and protection of existing trees that are hereby deemed to constitute either unique and virtually unreplaceable natural features, and/or aesthetic and/or historical treasures.

3.150.2. The nominal standards promulgated herein are established in order: to promote the lessening of air pollution, to promote clear air quality by increasing vegetative air filtration, to reduce noise, heat, glare, and minimize flooding, and to increase the ambiance of the community while protecting values throughout the town.

3.150.3. Definitions. Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this ordinance.

- a) Adjusted Caliper Inches (ACI) - The number value resulting from the multiplication of the Tree Value Factor times the actual measured Caliper Inches of trees in each Category of trees that are protected (see definition).
- b) Category I Trees - Broad-leaf evergreen overstory, select hardwoods, and endangered species - Trees Value Factor = 1.0.
- c) Category II Trees - Some deciduous overstory hardwoods, selected cone-bearing evergreens, broad-leaf evergreen understory - Tree Value Factor = 0.75.
- d) Category III Tree - Some deciduous overstory hardwoods, some cone-bearing evergreens - Trees Value Factor = 0.5.
- e) Caliper Inches - For trees larger than four inches (4"), the quantity in inches of the diameter of a tree measured one foot (1') above the ground. For trees smaller than four inches (4"), the quantity in inches of the diameter of a tree measured six inches (6") above the ground.
- f) Conifer Tree - Any tree with needle leaves and a woody cone fruit.
- g) Deciduous Tree - Any tree which sheds its leaves in the fall or winter.
- h) Drip Line - A vertical line extending from the outermost portion of a tree to the ground.
- i) Endangered species - Those trees which are under the protection of State and/or Federal law.
- j) Evergreen - Those trees, including broad-leaf and conifer trees, that maintain their leaves year round.
- k) Line Clearance - Removal of limbs and branches within a set distance of utility lines.
- l) Non-development Activity - Any alteration of the natural environment which does not require development or plot plan approval, but which would include the proposed removal or destruction of any tree affected by this ordinance.
- m) Private Tree - Any tree in an area owned by a private individual, business, company, industry, or institution, or in any area not owned by a governmental entity.
- n) Protected Tree - Any tree in Category I, which is six caliper inches (6") or larger, any tree in Category II, which is ten caliper inches (10") or larger, and any tree in Category III, which is eighteen caliper inches (18") or larger, as listed as attached hereto.

- o) Pruning - Selective removal of the upper portions of any tree, taking into account the natural shape and structure of the tree.
- p) Public Tree - Any tree in an area owned by a governmental entity.
- q) Replacement Tree - Any tree being planted on a site to replace a tree which has been removed or destroyed for any reason.
- r) Street Tree - Any tree within a public right-of-way along a road, street, median, or in a similar area in which the public right-of-way borders areas owned by private citizens
- s) Supplemental Tree - Any tree being planted on a site which is in addition to existing trees and replacement trees.
- t) Topping - The non-selective removal of the top portions of any tree without regard to the natural shape and structure of the tree.
- u) Tree - Any living, self-supporting woody or fibrous plant which is a conifer, evergreen, deciduous, or ornamental, as defined herein.
- v) Tree Value Factor - The numerical value assigned to each tree Category that represents the importance of that Category of trees with respect to visual buffering, growth characteristics, native species, and aesthetics. The Tree Value Factor for trees in Category I = 1.0; Category II = 0.75; and for Category III = 0.5. The Tree Value Factor for all existing protected trees on a development site, regardless of Category = 1.0. The Tree Value Factor for all trees in screen areas = 1.0.

3.150.4. The Tree Committee. The Ashland City Municipal Planning Commission shall be charged with the responsibility of functioning as the Tree Committee of the Town. The chief enforcement officer of this ordinance (the city building inspector) shall be empowered to effectuate and implement the various provisions as cited within this Section.

(a) Primary Duties of the Tree Committee. The principal duties of the Tree Committee, drawing on any other local sources available, are (1) to identify special, unique, and archeologically and historically significant trees that are noteworthy and currently extent within the community, and (2) to administer all requirements that are found within this Section, in an effort to protect and preserve Ashland City's special types of trees.

#### 3.150.5 Tree Planting.

(a) Public Trees. Tree planting shall be undertaken by the city in all public areas in a systematic manner to assure diversity of age, classes, and species. Areas to be planted, density, appropriate species, and other aspects of the planting function shall be determined by the Tree Committee.

(b) Private Trees. Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The Tree Committee will make every effort to provide information about species, planting techniques, and placement guidelines when requested by residents.

(c) Replacement Trees. The Planning Commission shall in the normal course of its approval process, require the planting of public trees or private trees to replace historic, unique, and/or endangered trees which have been removed, destroyed, or severely damaged during the course of development or construction, except that in no case shall replacement trees be required in excess of the Minimum ACI Density established in 3.150.7(b) of this ordinance.

(d) Supplemental Trees. The Planning Commission shall in the normal course of its approval process, require the planting of public trees or private trees to supplement historic, unique, and endangered trees on any site proposed for development, except that in no case shall supplemental trees be required in excess of the Minimum ACI Density, established in Subsection 3.150.7, (b), of this ordinance.

(e) Prohibited Plantings. It shall be unlawful for any person to plant trees as follows:

(1) Within any designated or recorded sewer or water easements: Any species prone to clogging water or sewer lines with roots, including, but not limited to: Poplar, Boxelder, Silver Maple, American Elm, Catalpa, Siberian Elm, Cottonwood, Black Walnut, and Weeping Willow.

(2) Within any recorded or proposed easement for overhead electric or telephone lines: Any species known to reach a mature height greater than twenty (20) feet.

(3) On any public lands: Any species known to be undesirable, weak, short-lived, disease prone, or to belong to an overpopulation of its species, including, but not limited to: Boxelder (female), Silver Maple, Hackberry, American Elm, Osage Orange (female) and Cottonwood (except hybrids).



### 3.150.6 Tree Protection

(a) Public Trees. It shall be unlawful for any person to directly or indirectly cause to be removed any protected public tree as defined herein, or that is defined herein as an unique, virtually unreplaceable natural feature in terms of its historic, aesthetic and unique characteristics without first obtaining the permission of the Planning Commission or its designee.

(b) Private Trees. It shall be unlawful for any person to directly or indirectly cause to be removed any protected private tree as defined herein, or as described below without first having obtained the permission of the Planning Commission or its designee.

(1) Any private tree which has been declared a rare or endangered species by an agency of the state or federal government due to size, longevity, rarity, etc., and which is protected by the laws of the State of Tennessee or the laws of the United States.

(2) Any private tree which has been declared by the Planning Commission or its designee to have real historical significance.

(3) Any private tree which has been declared by the Planning Commission or its designee to have significant value by virtue of its size, species, location, appearance, or other distinguishing feature.

### 3.1 50.7 Development Activities

(a) Protected Trees. Developers shall indicate on site plans submitted to the Planning Commission for approval, the location of protected trees, as defined herein, which are proposed to be destroyed during the course of development. The Planning Commission may, at its option, do any or all of the following:

(1) Require that any protected tree(s) that is (are) destroyed be replaced according to the provisions within this Subsection 3.150.5, of the ordinance. In this respect, the replacement formula shall be that either the type and number of protected trees destroyed or the required post development ACI density shall dictate minimum replacement requirements, whichever is greater.

(2) Request that the site plan be altered so as to preserve any protected tree(s).

(3) Request that developer transplant any protected tree(s) to another location on the site.

(b) Post Development ACI Density

(1) There is hereby established a Minimum ACI Density, expressed as "Adjusted Caliper Inches per Acre of Area (See Section 3.150.3 herein for further guidance), for each land use classification in the Town. Within one hundred eighty (180) days following the issuance of a Use and Occupancy Permit, sufficient replacement trees and supplemental trees shall be planted in order to bring the completed site to the Minimum ACI Density.

(2) The Minimum ACI Density for each primary type of land use classification shall be:

<b>Land Use</b>	<b>Adjusted Caliper Inches at Time of Planting</b>
Residential (total diameter required on each residential lot)	8"/lot or 1 acre which ever is greater
Service and Institutional	20"/acre
Office	20"/acre
Retail	30"/acre
Industrial	35"/acre

**Total Tree Diameters Required for Various Types of Land Uses\***

8"/Lot or Acre ACI Density	20"/Acre ACI Density	20"/Acre ACI Density	30"/Acre ACI Density	35"/Acre ACI Density
Residential Uses	Service and Institutional Uses	Office Uses	Retail Uses	Industrial Uses

\*See definitions a, b, c, d, e, i, and n, as cited herein in Section 3.150.3, for further clarification of the preceding table.

3.1 50.8 Tree Equivalency Table.

**Category I**

Bradford Pear  
Ginkgo Black Walnut  
American Chestnut and hybrids Southern  
Magnolia  
Bigleaf Magnolia  
Saucer Magnolia  
Umbrella Magnolia Franklinia  
Pin Oak  
W h i t e O a k Scarlet Oak  
Southern Red Oak Willow Oak  
Chestnut Oak Northern Red  
Oak Shumard Oak Chinese Elm  
American Hornbeam American  
Beech Yellow Poplar Ohio  
Buckeye Japanese Zelkova  
Black Maple Norway Maple  
Red Maple  
Sugar Maple  
English Holly  
American Holly Flowering  
Dogwood

**Category II**

Bitternut Hickory  
Pignut Hickory  
Shellbark Hickory  
Shagbark Hickory  
Mockernut Hickory  
Butternut  
Shingle Oak  
Bur oak  
Blackjack Oak  
Chinkapin Oak  
Post Oak  
Black Oak  
Weeping Willow  
River Birch  
European White Birch  
Eastern Hophornbeam  
Sweetgum  
London Planetree  
Sycamore  
Eastern Redbud  
Yellowwood  
Horse Chestnut  
Yellow Buckeye  
Chinese Parasol Tree  
Mountain Laurel  
Sourwood  
White Ash

Green Ash  
Blue Ash  
White Pine

**Category III**

Lombardy Poplar  
Black Willow  
Hackberry  
Winged Elm  
English Elm  
Slippery Elm  
Rock Elm  
Paper Mulberry  
White Mulberry  
Red Mulberry  
Cucumbertree  
Pawpaw  
Sassafras  
Downy Serviceberry  
Black Cherry  
Honeylocust  
Black Locust  
White Basswood  
Black Tupelo  
Persimmon  
Shortleaf Pine  
Virginia Pine  
Eastern Redcedar  
Eastern Cottonwood (hybrid only)

3.1 50.9 Average Tree Valuation Schedule

Category I      \$150.00 to \$400.00 PER CALIPER INCH  
  
Category II      \$80.00 TO \$150.00 PER CALIPER INCH  
  
Category III     \$80.00 PER CALIPER INCH

3.150.10 Normal Maintenance and Pruning. Nothing in this section shall be construed in any way to prohibit or discourage the normal maintenance or pruning of trees throughout the community. Proper pruning with branch removal at branch or trunk junctures is required for all private trees. The practice of tree topping is prohibited on public trees and strongly discouraged on private trees, unless there will otherwise be potentially dangerous conditions created in relation to high voltage electric lines, etc.

3.150.11 Penalties. Any person violating this ordinance shall be deemed guilty of a misdemeanor, and according to the laws of the State of Tennessee shall be subject to the maximum fines allowed by law. Each subsequent day that any violation continues unabated shall constitute a separate offense.

3.160. Standards applying to steep slopes. Within the context of this ordinance, unless otherwise indicated, there shall be a protection level as applies to slopes as hereafter indicated (see definition section). Areas that are in excess of fifteen (15) percent slope shall be protected as follows:

<b>SLOPE</b>	<b>PERCENT OF SITE TO REMAIN UNDISTURBED</b>
15 - 25%	40
26 - 35%	75
36% OR MORE	95

3.170. Standards applying to slippage soils

A. Protection Level. Slippage soils as defined are highly unstable and subject to movement. They can cause substantial property damage. Depending on their location in the environment, two different protection levels are required under the auspices of this ordinance (see definitions section). Slippage soils on a slope of ten (10) percent or more shall receive ninety-five (95) percent protection. In all other cases, such soils shall receive a twenty-five (25) percent protection level.

B. Design Standards. All slippage soil areas as defined herein shall conform to the following design standards:

1. The developer shall hire a qualified soil scientist to identify all areas of Delrose Soil present on the subject property, whenever Cheatham County soils maps indicate the presence of Delrose Soils on such property. The soil scientist shall determine the extent and depth of soil on the site.
2. The developer shall hire a licensed geotechnical engineer who shall evaluate the subject property. Said engineer shall prepare a report identifying the location, character, and the extent of slippage soil areas. This report shall:
  - (a) contain a design for proper drainage and construction of development;
  - (b) identify areas that require special design treatment for individual lots; and
  - (c) provide a map and accompanying acreage calculations which demonstrate that the requirements in Subsection A, of this section, are being met.
3. Development on all individual lots identified in the report required above shall be designed by a qualified geotechnical engineer. The design shall be in compliance with the geotechnical report.
4. The development shall be supervised and certified upon completion by a geotechnical engineer in order to ensure that all development is in compliance with the approved design.

3.180. Standards as apply to development near sinkholes

A. Designation. These features are formed from the action of rain, stormwater runoff, and group water on limestone strata (see the definition of sinkhole in the definition section of this ordinance). Sinkholes have the potential to become larger in terms of both area and depth.

B. Protection Level. One hundred (100) percent of the sinkhole shall be protected as permanent open space.

C. Design Standards. The following standards apply to all types of sinkholes as defined in this ordinance:

1. The natural runoff rate to sinkholes shall be maintained or reduced. Additional runoff generated by development in the watershed of a sinkhole shall be retained and redirected to surface runoff channels.

2. During construction, all swales leading to a sinkhole(s) shall have effective sedimentation barriers erected to prevent sedimentation from reaching said sinkhole(s).

3.190. Performance Standards

A. Application of Standards

1. In all industrial districts, any use established or changed to, and any building, structure, or land developed, constructed or used for, any permitted principal use, or any use permissible as a special exception, or any accessory use, shall comply with all the performance standards herein set forth for the district involved.

2. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use, building or other structure.

3. In the case of any conflict between the activity type and the performance standards, the latter shall control.

4. The provisions of this section shall apply notwithstanding the issuance after the effective date of this Ordinance of any zoning permit or certificate of zoning compliance.

5. Performance standards are not applicable to the temporary construction, excavation, grading, and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the same time, or on the public right-of-way or easement for a community facility activity. In case of conflict between the performance standards set forth herein and any rules or regulations adopted by any other governmental agencies, the more restrictive shall apply.

## B. Administration and Enforcement of Performance Standard

### 1. Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards

Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Ordinance that:

a. Where determinations can be made by the building commissioner or other city employees, using equipment normally available to the city or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.

b. Where technical complexity or extraordinary expense makes it unreasonable for the city to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures in 3, a, below, shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

### 2. Performance Standards Relating to Emission of Smoke, Fire, and Explosive Hazards Where Flash Point of Flammable Materials is Known, Humidity, Heat, Glare, and Electromagnetic Interference

If the building commissioner finds, after making determination in the manner set forth in this Ordinance, that there is violation of performance standards relating to emission of smoke, fire, and explosive hazards where flash point of flammable materials is known, humidity, heat, glare, or electromagnetic influence, he shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards. Failure to obey lawful orders concerning such correction shall be punishable as provided in Article VII.

### 3. Performance Standards Relating to Measurement of Particulate Matter, Vibration, Noise, Fire and Explosive Hazards Where Flash Point of Flammable Materials is not Know, Toxic or Noxious Matter, Odorous Matter, and Radiation Hazards

If, in the considered judgment of the building commissioner, there is probable violation of the performance standards as set forth in this section, concerning emission of particulate matter, vibration, noise, fire, and explosive hazards where flash point of flammable materials is not known, toxic or noxious matter, odorous matter, or radiation hazards the following procedures shall be followed:

a. The building commissioner shall give notice, by registered mail or other means insuring a signed receipt for such notice to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the building commissioner believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the building commissioner within a time limit set by the building commissioner. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the building commissioner within the time limit set constitutes admission of violation of the terms of this ordinance.

The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this ordinance will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined no violation exists, the cost of the determination will be paid by the city.

- b. If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the building commissioner, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.
- c. If there is no reply within the time limit set and the alleged violation is not corrected to the satisfaction of the building commissioner within the time limit set he shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
- d. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the building commission, but requesting additional time, the building commission may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property.
- e. If reply is received within the time limit set requesting technical determination as provided in this Ordinance, and if the alleged violations continue, the building commissioner may call in properly qualified experts to make the determination. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Article VII.

If no violation is found, the costs of the determinations shall be paid by the city without assessment against the properties or persons involved.

### 3.190. 1 Performance Standards Regulating Noise

#### A. Definitions

For the purpose of this section, the following terms are defined:

Decibel: A unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference pressure of 0.0002 microbars. It is abbreviated as dB.

Frequency: The number of times that a sound pressure fluctuation completely repeats itself in one (1) second of time. Frequency is designated in cycles per second and is abbreviated as c.p.s.

Impact Noise Analyzer: An instrument to measure the peak sound pressure of an impact sound.

Impact Sound: A sound produced by two (2) or more objects (or parts of a machine) striking each other, so as to be heard as separate distinct noises.

Noise: A subjective description of an undesirable or unwanted sound. (See definition of sound.)

Octave Band: A band of frequencies in which the upper limit of the band is twice the lower limit.

Pre-1960 Octave Bands: These octave bands still in common usage are designated by stating both the lower and upper limit of the band. Eight (8) octave bands cover the entire range of frequencies of interest in industrial noise and are described in United States of American Standards Institute (USASI) Standard No. Z24.10-1 953.



Preferred Frequency Octave Bands: These octave bands are replacing the pre-1960 octave bands. The preferred frequency bands are designated by a single number which corresponds to their geometric center frequency. Nine

(9) octave bands cover the entire range of frequencies of interest in industrial noise, and are described in United States of America Standards Institute (USASI) Standard No. S1.6-1 960.

Octave Band Analyzer: An instrument to measure octave band composition of a noise, by means of bandpass filters. It shall meet all requirements of the United States of America Standards Institute. It may be calibrated for use with the pre-1960 octave bands or the subsequent preferred frequencies.

Overall Sound Level: Total sound pressure level in the entire frequency spectrum between twenty (20) and twenty thousand (20,000) cycles per second.

Sound: Rapid fluctuations of atmospheric pressure which are audible to persons.

Sound Level Meter: An instrument to measure the overall sound level. It shall comply with applicable specifications of the United States of America Standards Institute (USASI).

Steady State: A noise or vibration which is continuous such as from a fan or a compressor.

**B. Method of Measurement:**

For the purpose of measuring the intensity or frequency of sound, the sound level meter, octave band analyzer and the impact analyzer shall be employed. The instruments to be used for these noise measurements shall conform to all current applicable United States of America Standards Institute (USASI). During the measurements, the instruments shall be set on the "C" weighting scale with meter set for "slow" response. Impact noises shall be measured on a commercially available impact noise analyzer.

**C. Maximum Permitted Sound Levels.**

The maximum permitted sound pressure levels in decibels across zone lot lines and district boundaries shall be in accordance with Tables 1A, B, and C. Octave band analyzers calibrated in pre-1960 octave bands shall use Table 1B; preferred frequency analyzers shall use Table 1 C.

**TABLE 1A**

<b>Industrial Zone</b>	<b>Adjacent Zone Lot Line</b>	<b>Adjacent District Boundary</b>	<b>Residential District Boundary</b>
I-1	C	B	A
I-2 and I-3		C	A

**\*Except at I-2 and I-3 Boundaries.**

The octave band noise levels corresponding to the above designations are as follows:

**TABLE 1B**

PRE-1960 OCTAVE BANDS

Octave Bands Cycles Per Second	A	B	C
73 dB		80 dB	83 dB
60		74	78
53		69	72
47		63	66
43		57	60
40		52	55
37		46	49
34		40	43

**TABLE 1C**

PREFERRED FREQUENCY OCTAVE BANDS

Preferred Center Frequency (Cycles/Second)	A	B	C
31.5	69 dB	78 dB	82 dB
63	69	78	82
125	58	73	76
250	52	67	70
500	46	61	64
1000	43	66	59
2000	39	50	53
4000	36	44	47
8000	33	39	42

*For impact noise levels, the values in Table 1D, shall apply. For purposes of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than three (3) dB higher than the values indicated on the sound level meter.*

**TABLE 1D**

Overall	A	B	C
Impact	76 dB	85 dB	95 dB

Between the hours of 7:00 p.m. and 7:00 a.m., all of the permissible noise levels indicated in the previous tables for residential district boundaries shall be reduced by five (5) decibels.

Noises not directly attributable to an activity located on the zone lot are excluded from the above limitations (such as from independent transportation facilities).

3.1 90.2 Performance Standards Regulating Vibration

A. Definitions

Displacement: Amount of motion involved in earthborne vibration. It is referred to the normal rest position of the earth and is, therefore, one-half (1/2) of the total excursion for a steady-state vibration. Displacement is usually reported in inches (or decimal fraction of an inch).

Frequency: The number of times that a displacement completely repeats itself in one (1) second of time. Frequency is designated in cycles per second and is abbreviated as c.p.s.

Impact Vibration: An earthborne vibration produced by two (2) or more objects (or parts of a machine) striking each other.

Particle Velocity: A characteristic of vibration which depends on both displacement and frequency. If not directly measured, it can be computed by the following formula: Particle velocity (inches per second) equals 6.28 times frequency (cycles per second) times displacement (inches).

Steady State: A noise or vibration which is continuous such as from a fan or a compressor.

Vibration: A reciprocating movement transmitted through the earth.

B. Method of Measurement

The instruments to be used for these vibration measurements shall be recording instruments which simultaneously record vibration in three (3) mutually perpendicular directions. They may record either particle velocity versus time, or displacement versus time. If displacement is recorded, particle velocity should be determined from the following relationship: Particle velocity equals 6.28 times displacement (inches) times frequency (cycles per second).

C. Maximum Permitted Vibration Levels

The maximum permitted vibration across zone lot lines and district boundaries shall be permitted in accordance with Tables 2A and 2B.

**TABLE 2A**

<b>Industrial Zone</b>	<b>Adjacent Zone Lot Line</b>	<b>Adjacent District Boundary</b>	<b>Residential Boundary</b>
I-1	C	B	A
I-2 and I-3	C	A	

**\*Except at I-2 and I-3 Boundaries.**

*The peak particle velocities that correspond to the above designations are as follows:*

**TABLE 2B**

**Maximum Particle Velocity (Inches/Seconds)**

<u>Vibration</u>	<b>A</b>	<b>B</b>	<b>C</b>
<b>Steady State</b>	<b>.01</b>	<b>.05</b>	<b>.10</b>
<b>Impact</b>	<b>.02</b>	<b>.10</b>	<b>.20</b>

The maximum particle velocity shall be the vector sum of three mutually perpendicular components recorded simultaneously.

For purposes of this Ordinance, steady-state vibrations and vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute, shall be considered impact vibration.

Between the hours of 7:00 p.m. and 7:00 a.m., all of the permissible vibration levels indicated in the previous table for residential district boundaries shall be reduced to one-half (1/2) of the indicated values.

3.1 90.3 Performance Standards Regulating Smoke and Particulate Matter A.

Definitions

Ambient Air Quality: The quantitative character of general atmosphere with respect to air pollutants.

Effluent: The emission of air pollutants from any source. Microgram: One millionth of a gram.

Opacity: That property of a gaseous effluent tending to reduce light transmission through the plume, and as used in this Ordinance refers to the obscuration of an observer's view, but shall not include obscuration of an observer's view due to water droplets.

Particulate Matter: Matter, other than uncombined water, which is suspended in air or other gases, in a finely divided form, as a liquid or solid at standard conditions.

Ringelmann Number: The shade of gray which appears on the chart published and described in the U. S. Bureau of Mines Information Circular 7718, for use in measuring the shades and density of air contaminants arising from stacks and other sources.

Smoke: Small gas-borne or airborne particles resulting from combustion operations and consisting of carbon and ash and other matter present in sufficient quantity to be observable.

Standard Conditions: A gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of 29.92 inches mercury absolute.

Suspended Particulates: Particulate matter found in the atmosphere and sampled in accordance with American Society for Testing and Materials Test No. D2009-65.

B. Emission of Smoke and/or Visible Effluent

1. In all industrial districts, the opacity of smoke or visible effluent, exclusive of uncombined water droplets, from any source shall not exceed Ringelmann No. 1, except as provided below.

2. In all industrial districts, the emission of smoke or visible effluent, exclusive of uncombined water droplets, may exceed Ringelmann No. 1, but not Ringelmann No. 3, for the times and intervals herewith:

I-1 District--Six (6) minutes in any four (4) hour period.

I-2 and I-3 Districts--Six (6) minutes in any continuous sixty (60) minutes.

C. Emission of Particulate Matter

1. Source Limitations.

In all industrial districts, the emission of particulate matter from all stacks, vents, chimneys, flumes or other openings of any process, operation or activity within the zone lot shall not exceed the rate described for each district. The maximum emission rate shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.

**TABLE 3A**

<u>District</u> <u>Acre*</u>	<u>Maximum Rate for All Emission</u> <u>Sources, Pounds per Hour per</u>
I-1	1
I-2 and I-3	2

**\*Area of the Zone Lot.**

2. Ambient Air Quality . In all industrial districts, suspended particulates emitted from air pollution sources shall be limited across zone lot lines or district boundaries in accordance with the following table. Measurements shall be made at ground level or habitable elevations and shall consist of twenty-four (24) hour samples.

Values given are above background.

**TABLE 3B**

<u>District</u> <u>Meter</u>	<u>Across</u>	<u>Suspended Particulates,</u> <u>24-Hour Sample,</u> <u>Micrograms per Cubic</u>
I-1	Zone Lot Line	50
I-2 and I-3	District Boundary	100

D. Windborne Particulates

Emission of particulate matter from open storage areas, yards, roads, material piles and the like shall be kept to a minimum by appropriate landscaping, paving, oiling or other means. Such windborne dust shall be subject to the ambient air quality standards.

3.1 90.4 Performance Standards Regulating Odor

A. Definitions

Odorous Matter: Solid, liquid or gaseous material which produces an olfactory response in a human being.

Odor Threshold Concentration: The lowest concentration of odorous matter which will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with American Society for Testing and Materials Test Method D1391-57 (1967).

B. Emission of Odorous Matter.

1. In the I-1 District, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the I-1 District boundary (except in I-2 and I-3 Districts), measured either at ground level or habitable elevation.
2. In the I-2 and I- 3 Districts, the release of odorous matter shall not exceed the odor threshold concentration in a residential district, measured either at ground level or habitable elevation.

3.1 90.5 Performance Standards Regulating Toxic Matter

A. Definitions

Sulfur Oxides: The oxides of sulfur which include sulfur dioxide and sulfur trioxide.

Threshold Limit Values: The maximum allowable concentration permitted an industrial worker for eight (8) hours exposure per day, five (5) days a week, and as adopted by the American Conference of Governmental Industrial Hygienists.

Toxic Matter: Materials which are capable of causing injury to living organisms by chemical means when presented in relatively small amounts

B. Emission of Sulfur Oxides.

1. In the I-1 District, the maximum emission rate of sulfur oxides shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.
2. In the I-1 District, the emission of sulfur oxides (as sulfur dioxide) from all sources on the zone lot shall not exceed two (2) pounds per hour per acre.\*

**\*Area of Zone Lot.**

3. In the I-2 and I-3 Districts, the emission of sulfur oxides from all sources on the zone lot shall not exceed three (3) pounds per hour per acre.\*

**\*Area of Zone Lot.**

C. Emission of Other Toxic Matter.

1. In all industrial districts, the measurement of toxic matter shall be at ground level or habitable elevation at the points indicated below and shall be the average of a twenty-four (24) hour sample. The release of airborne toxic matter (other than sulfur oxides) shall not exceed one-thirtieth (1/30) of the threshold limit values of toxic materials currently listed by the American Conference of Governmental Industrial Hygienists. If a toxic material is not so listed, the applicant shall satisfy the City Board of Health that the proposed levels will be safe to the general population.
2. Measurement of airborne toxic matter shall be conducted as follows:

**TABLE 4A**

<b><u>District</u></b>	<b><u>Sample Location</u></b>
I-1	Across Zone Lot Line
I-2 and I-3	Across District Boundary

### 3.1 90.6 Performance Standards Regulating Fire and Explosive Hazards

#### A. Definitions

Active to Intense Burning: A rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium, pyroxylin, and other solids deemed by the fire marshal to have equivalent burning characteristics.

Detonable Materials: Materials which decompose by detonation. Such materials include explosive, unstable compounds, and fissionable matter.

Flash Point: The lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The tag open cup tester shall be authoritative.

SCF (Standard Cubic Feet): Which is the measure of the volume of a gas reduced to sixty (60) degrees Fahrenheit and 29.92 inches mercury, absolute.

#### B. Detonable Materials

1. Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with the regulations of each industrial district and the rules and regulations of the metropolitan fire marshal. Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, TETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorite and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products. and reactor elements such as Uranium 235 and Plutonium 239.
2. In the I-1 District, the storage, utilization or manufacture of material or products which decompose by detonation is limited to five (5) pounds, except that this provision shall not apply to mining and quarrying extractive activities in existence at the time of adoption of this Ordinance.
3. In the I-2 and I-3 Districts, the storage and utilization (but not manufacture) of material or products which decompose by detonation in excess of five (5) pounds, is permitted, in accordance with state and local regulations.



C. Fire Hazard Solids

1. In the I-1 District, the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be prohibited.
2. In the I-2 and I-3 Districts, the storage, utilization or manufacture of solid materials is permitted, in accordance with state and local regulations, but outdoor storage of such materials shall be no less than forty (40) feet from all zone lot lines.

D. Fire Hazard Liquids and Gases

1. In all industrial districts, the storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers of fifty-five (55) gallons or less. Such finished products shall be stored in fire-resistive and fire-protected areas, or if stored outdoors, no closer than forty (40) feet from all zone lot lines.
2. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following table for each industrial district.

The storage of flammable liquids having a flash point of three hundred (300) degrees Fahrenheit or higher is permitted without restriction in all industrial districts.

3.1 90.7 Performance Standards Regulating Radioactive Materials

A. Definitions

Microcurie: One millionth of a curie which is a standard unit of radioactivity.

Unsealed radioactive Materials: Radioactive material that is not permanently bonded or fixed in a capsule or matrix designed to prevent release or dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

B. State Requirements.

The manufacture, storage and utilization of radioactive materials shall be in accordance with the "State Regulations for Protection against Radiation" issued by the Tennessee Department of Environment and Conservation.

**TABLE 5**

**STORAGE CAPACITY OF FLAMMABLE LIQUIDS AND GASES**

District	<u>LIQUIDS</u>		<u>GASES</u>	
	Above Ground Flash Point, Degrees Fahrenheit	Below Ground Flash Point, Degrees Fahrenheit	Above Ground	Below Ground
	Less than 125	Less than 125		
I-1	10,000 Gal.	20,000 Gal.		
	125--300	<u>125--300</u>		
	40,000 Gal.	80,000 Gal.		
I-2 and I-3	Unlimited, except that within 300 ft. of a district boundary no more than 50,000 gal. per acre within such distance shall be permitted	Unlimited	300,000SC Unlimited, except that within 300 ft. of a district boundary no more than 1,500,000 SCF per acre within such distance shall be permitted	600,000SCF Unlimited

C. Quantities of Unsealed Radioactive Material by District

The manufacture, storage and/or utilization of unsealed radioactive materials shall be limited in accordance with the following table:

**TABLE 6A**

<u>District</u>	<u>Maximum Quantity Permitted</u>
I-1	One million times table below
I-2 and I-3	Ten million times table below

**TABLE 6B**

Materials	Microcuries	Materials	Microcuries
Ag105	1	P32	10
Ag111	10	Pd103+Rh103	50
As76, As77	10	Pd109	10
Au198	10	Pm147	10
Au199	10	Po210	0.1
Ba140+La140	1	Pr143	10
Be7	50	Pu289	1
C14	50	Ra226	0.1
CA45	10	Rb86	10
Cd109+Ag109	10	Re186	10
Ce144+Pr144	1	Rh105	10
Cl86	1	Ru106+Rh106	1
Co60	1	S85	50
Cr51	50	Sb124	1
Cs187+Ba187	1	Sc46	1
Cu64	50	Sm158	10
Eu154	1	Sn118	10
F18	50	Sr89	1
Fe55	50	Sr90+Y90	0.1
Fe59	1	Ta182	10
Ga72	10	Tc96	1
Ge71	50	Tc99	1
H3(HT0 or H320)	250	Te127	10
I131	10	Te129	1
In114	1	Th (natural)	50
Ir192	10	Tl204	50
K42	10	Tritium (See H3)	250
La140	10	U (natural)	50
Mn52	1	U233	1
Mn56	50	U234-U235	50
Mo99	10	V48	1
Na22	10	W185	10
Na24	10	Y90	1
Nb95	10	Y91	1
Ni59	1	Zn65	10
Ni63	1	Unidentified radioactive materials above in unknown mixtures	0.1

3.1 90.8 Performance Standards Regulating Glare

A. Definitions

Footcandle: A unit of illumination. Technically the illumination at all points one (1) foot distant from a uniform point source of one (1) candlepower.

B. Limitation of Illumination in Residential Districts. In all industrial districts, any operation or activity producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of one (1) footcandle when measured in a residential district.

C. Performance Standards Regulating Electromagnetic Interference. In all industrial districts, no operations or activities shall be conducted that cause electrical disturbances to be transmitted across zone lot lines.

3.200 Standards applying to grading operations. (Amended by Ordinance 315, March 14, 2006, Adding New Sections 3.200 – 3.310)

3.210 Establishment and purpose. There are established for the City of Ashland City, Tennessee the following regulations and requirements for permitting of grading operations:

1. This section shall be known and may be cited as "The Ashland Ordinance".
2. The purpose of this section is to provide minimum standards to safeguard persons, to protect property, and to promote the public welfare by regulating and controlling the design, construction, quality of materials, use, location, and maintenance of grading, excavation, and fill without infringing on the rights of property owners to accomplish minor "yard improvement" measures.

3.220 Definitions. Wherever used in this section, the following words shall have the meaning indicated:

1. Building permit shall mean a permit issued by the Building Official pursuant to the provisions of the zoning ordinance of Ashland City for the construction, correction, or alteration of a structure or building.
2. Excavation shall mean any act by which topsoil, earth, and gravel, rock, or any similar material is cut into, dug, marred, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting from such considerations.
3. Fill shall mean any act by which topsoil, earth, sand, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and shall include the conditions resulting from such considerations.
4. Existing grade shall mean the elevation of the existing ground surface at the location of any proposed excavation or fill.
5. Grading shall mean excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

6. Grading permit shall mean any permit required under this section.
7. Person shall mean an individual but can also include a partnership, corporation, or any other legally recognized entity.
8. Site shall mean a lot, tract, or parcel of land, or a series of lots, tracts, or parcels of land, joined together, where grading work is continuous and performed at the same or different times.
9. Topsoil is that upper portion or layer of naturally occurring terrain two inches to ten inches ( 2" - 10" ) that is composed of the ability to support vegetation.
10. Stripping shall mean the removal, by mechanical means, of the topsoil layer of a proposed excavation.

3.230 Scope. New grading, excavations, and fills, or changes, additions, repairs, or alterations made to existing excavations and fills shall conform to the provisions of this section, except that this section shall not apply to:

1. Commercial operations involving mining, quarrying, excavating, processing, or stockpiling of rock, sand, aggregate, or clay, unless such work affects the support of adjacent or contiguous property or structures; and provided such operations are duly permitted by the proper state agencies having jurisdiction over such matters.
2. Residential landscaping, top dressing and cosmetic works by private individuals or firms contracted by private individuals.
3. Construction which is the implementation of plans for developments(s) duly reviewed and approved by the Ashland City Planning Commission.
4. Grading or excavation pursuant to a permit for excavation in public streets **for which inspection is provided by the city.**
5. Grading in connection with a public utility improvement or public work for which inspection is provided by the city.
6. Grading or excavation by a public utility company in private easements or public rights-of-way **for which inspection is provided by the city.**
7. An excavation below finished grade for basements and footings of a building, swimming pool, or underground structure authorized by a valid building permit where the cost of such excavation is included in the building permit valuations. This exception shall not affect the applicability of this section to, nor the requirement of a grading permit for, any fill made with the material from such excavation.
8. Farming or other accepted agricultural uses, as identified in the Tennessee Right to Farm Act (T.C.A., Section 43-26-103).
9. The construction of a single residence or addition to an existing single family residence.

Permits will be required for any other grading operation not noted above and covered in one or more of the following situations:

1. Topsoil stripping or sod removal having a single or combined area coverage on one site of twenty-five hundred (2,500) square feet (equivalent to fifty (50) feet square).
2. Excavation or placement of fill material having a volume of one hundred (100) cubic yards or more on one site.
3. Areas excavation or fill having a coverage of one thousand (1,000) square feet and a maximum cut or fill depth, at any point, of three (3) feet or more on one site.
4. An excavation from existing grade three (3) feet or more below a two (horizontal) to one (vertical) descending slope from any property line, or a fill on existing grade three (3) feet or more above a two (horizontal) to one (vertical) ascending slope from any property line.
5. A grading operation in preparation for a paving project that will be used for any other purpose than a residential driveway and/or parking area.
6. An excavation or fill within a public sewer, water main, storm drain, or power line easement.
7. An excavation or fill which will encroach on or alter a natural drainage channel or water course.

No person shall construct, reconstruct, alter, repair or install any structure in any natural water course without a permit from the Building Official.

A separate permit shall be required for each separate noncontiguous site. One permit may cover both an excavation and a fill on the same site made with excavation materials.

3.240 Application. The permit application shall include but not necessarily be limited to the following:

1. Basic Information:
  - a. The purpose of the work and a statement as to whether the purpose of the grading is for private or commercial reasons;
  - b. The nature and amount of material proposed to be excavated and the amount of fill in cubic yards;
  - c. The street address at the point of access to the property where the work is to be performed;
  - d. The name and address of the owner of the property on which the work is to be performed;
  - e. A description of the equipment and methods to be used in performing the work;

- f. The name of the firm that will haul excavated material to or from the property where the work is to be performed;
  - g. The name, address and phone number of the person to have effective control of the work;
  - h. The estimated dates for starting and completing the work to be done;
  - i. Report of a Soils Engineer if required by the Building Official;
  - j. Such further applicable information as the Building Official may require in order to carry out the purposes of this section.
2. Detailed Information:
- a. A sketch by the applicant or his agent showing existing conditions and the proposed work if required by the Building Official;
  - b. Such further engineering or soils data as may be required by the Building Official to fully assess the scope and consequences of the proposed work;
3. Drainage Considerations:
- a. Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a fill;
  - b. All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural water course approved by the Building Official as a safe place to deposit and receive such waters;
  - c. The Building Official may require such drainage structures or pipes to be constructed or installed which in his opinion are necessary to prevent erosion damage and to satisfactorily carry off surface waters;
  - d. Will comply with all State agencies and their requirements.

3.250 Duration of permit. As stated in Subsection 2.304, 1, I, the estimated time frame for this work will be submitted with the permit application. The Building Official will, at the time the permit is issued, set a completion date, but due to circumstances beyond the control of the applicant, the work takes longer than originally scheduled, and extension of time may be granted. In no case shall the schedule exceed one (1) year after initial date of the issuance of a permit. If however, the work is not completed on time as called for in the permit due to lack of pursuit of the work, the permit will expire and the application process for a new permit must be initiated.

3.260. Denial of permit. An application for work under the provisions of this section may be denied for any of the following reasons:

- 1. Insufficient or inadequate information submitted to determine scope of project;
- 2. Proposed work will endanger or be detrimental to adjacent properties or existing features such as streets, utilities, buildings, etc.

3.270. Inspection of work. Monitoring of the work will be accomplished by the Building Official or his representative as follows:

1. Before project is commenced;
2. Upon completion of the project;
3. At any other time(s) the Building Official may deem necessary.

3.280. Surety for permitted work in public rights-of-way. Public Performance Bonds will be posted by the applicant at the time the permit is granted for any and all works and incidental activities to be done within or on public rights -of-way or private property easements. The form and amount of bond will be set by the Building Official at the time of the permit application and will cover the amount deemed necessary to complete the proposed work and/or potential damages to existing public facilities. Bond will be held until satisfactory restoration or replacement of all damaged or impaired public facilities are completed. This includes but is not limited to roadways, drainage improvements, sanitary sewer lines and water lines. Bonds will be released upon final inspection and approval of the completed work.

3.290 Permit fees. Permit fees will be charged based upon the nature and magnitude of the work. Work to be performed will be categorized as to nature and magnitude at the time of permit application and a fee charged on the following schedule:

1. Area coverage of less than twenty-five hundred (2,500) square feet or less than one hundred (100) cubic yards of material. **Fifty Dollars (\$50.00)**
2. Area coverage of more than twenty-five hundred (2,500) square feet or more than one hundred (100) cubic yards of material. **One hundred Dollars (\$100.00)**

3.300 Maintenance. The project site(s) is to be maintained in an orderly and safe condition at all times as noted by the following:

1. The project site will at all times during construction, be kept in a condition that is safe to the general public and adjacent properties;
2. The project will have sedimentation control incorporated in its work plan and a provision for natural storm water removal so as to pose no threat of danger to life or property;
3. Upon completion, the project must be left in and maintained as conceived, and posing no liability whatsoever in regard to slope stabilization, drainage, improved structures, etc.;
4. Prevent transport of construction debris and/or sediment onto surfaces of adjacent properties or public rights-of-way.

3.310 Violations and Penalties. No person shall construct, enlarge, alter, repair or maintain any grading, excavation, fill or cause the same to be done contrary to or in violation of any provision of this section. When written notice of a violation of any of the provisions of this section has been served by the Building Official on any person, such violation shall be discontinued immediately. It shall be construed to be a violation of this section materials on any site by placement of "Dump" similar signs. No signs of any nature requesting removal from or placement of material on a site will be allowed unless it meets the requirements of this section.





## ARTICLE IV

### SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

#### SECTION

- 4.010 Off-street parking requirements
- 4.020 Off-street loading and unloading requirements
- 4.030 Temporary use regulations
- 4.040 Customary incidental home occupations
- 4.050 Fall-out shelter restrictions
- 4.060 Gasoline station and convenience market-food service facility restrictions
- 4.070 Special provisions for party walls
- 4.080 Development standards for mobile home parks
- 4.090 Development standards for automobile wrecking, junk and salvage yards
- 4.100 Yard requirements on corner lots in residential districts
- 4.110 Minimum residential front yard requirements on turn-arounds of cul-de-sac streets
- 4.120 Special provisions for residential occupancy in connection with mini-warehouse facilities (self-service storage facilities)
- 4.130 Cluster residential development standards (single-family subdivided dwellings)
- 4.140 Development standards applying to duplex residential dwellings, as well as zero-lot line two-family dwellings
- 4.150 Development standards as apply to multi-family dwellings
- 4.160 Height requirement as applies to fences
- 4.170 Antennas and satellite (T.V.) dishes
- 4.180 Minimum design standards for transmission and communication towers and stations
- 4.190 Standards as apply to adult-oriented business establishments
- 4.200 Standards as apply to fire department connections in buildings with sprinkler systems
- 4.210 Standards as apply to motor home (travel trailer) parks
- 4.220 Standards applying to cemeteries
- 4.230 Standards applying to swimming pools
- 4.240 Screening of propane tanks and dumpsters
- 4.250 Standards applying to bed and breakfast home residences

4.010. Off-street parking requirements. In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use (special exception).

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement as are required for floor area attributable to the initial establishment of any type of land use.

In the case of uses where the Board of Zoning Appeals or the planning commission may be required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time of operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions of this ordinance.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred-sixty-two (162) square feet in size (9 feet x 18 feet). All parking spaces shall be provided with vehicular access to a public street or alley. The required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the land use(s) they service. This shall generally mean that each parking space serving a particular dwelling unit shall be no more than sixty (60) feet away from the front door of said dwelling unit. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. Unless authorized elsewhere in this ordinance, parking requirements satisfying any particular land use shall not be used to satisfy the parking requirements of any other land use. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

**(Amended by Ordinance #290, September 14, 2004)**

4.010.1 Number of Parking Spaces Required

The number of off-street parking spaces shall be provided for the specified unit of measure (or fraction on one-half (1/2) or more thereof) for the following specified uses within the activity types indicated.

4.010.1.A. Residential Activities

(1) Permanent

(a) Single-Family Dwelling and Two-Family Dwelling:

Two (2) spaces per dwelling unit.

(b) Triplex, Quadruplex and Multi-Family Dwelling (Three (3) or more):

Two (2) spaces per dwelling unit.

(c) Mobile Homes:

Two (2) spaces per mobile home.

(d) Where Occupancy in Multi-Family Units or Assisted Living Centers is to be Primarily Elderly Persons over the age of Sixty (60):

The number of spaces may be reduced to one and one half (1 1/2) space per unit. Also, there must be room on the lot to provide one (1) additional space per dwelling unit within the complex in the future. All such spaces must be shown on required site plans.

(e) Upper Story Residential Dwelling in C-1 District Area:

Not less than one and one-half (1 1/2) spaces per dwelling unit.

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\*See Illustration in Appendix for Typical Parking Lot Design configurations.

(2) Semi-Permanent

(a) Boarding or Rooming House:

One and one half (1 1/2) spaces per dwelling unit.

4.010.1.B. Community Facilities Activities

<u>Activity Type</u>	<u>Unit of Measurement</u>
Administrative and Government	One (1) space for each three hundred (300) square feet of gross floor area, plus one (1) for each three (3) employees.
Community Assembly	One (1) space for each two (2) seats or one-half (1/2) of capacity in persons whichever is greater.
Educational Facilities	<u>Kindergarten and Nursery:</u> One (1) space for each employee plus one (1) space for each four (4) students. <u>Elementary and Middle Schools, Grades 1-7:</u> One (1) space per teacher and per staff member, plus one (1) space per two (2) classrooms. <u>High School, Grades 8-12:</u> One (1) space per teacher and per staff member on largest work shift, plus one (1) space per three (3) students. <u>Vocational or Trade Schools:</u> One (1) space for each one thousand (1,000) square feet of gross floor area, plus one (1) space for each four and one-half (4 1/2) seats in any associated auditorium.
Cultural and Recreation Services and Facilities	<u>Art Galleries, Libraries, Museums, Zoological and Botanical Gardens, Planetariums and Aquariums:</u> One (1) space for each eight hundred (800) square feet of gross floor area. <u>Swimming Pools:</u> Thirty (30) percent of capacity. <u>Parks, Playgrounds and Playfields:</u> Ten (10) spaces for each acre of land devoted to recreation, plus one (1) space for each four (4) spectator seats.

Special Institutional Care

Recreation Centers and Gymsnasiums:  
Fifty (50) percent of the capacity, plus one (1) space for each two (2) employees.

Correctional or Detention Institutions:  
One (1) Facilities space per each employee, plus one (1) space for each patrol car, plus one (1) space per each five (5) persons incarcerated.

Drug and Alcohol Rehabilitation Center:  
One (1) space per two (2) beds and one (1) space per staff member.

Asylum or Sanitarium: One (1) space per each three (3) beds and one (1) space per staff member.

Halfway House: Two and a quarter (2.25) spaces per patient or inmate.

Extensive Impact Type  
Facilities and Land Uses

Airports, Air Cargo Terminals, Heliports or Aeronautical Devices: One (1) space for each employee, plus one (1) space for every one hundred (100) square feet of gross floor area.

Railroad, Bus, and Transit Terminals:  
One (1) space for each one hundred (100) square feet of waiting room.

Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards:  
One (1) space for each employee.

Stadiums, Sports Arenas, Auditoriums, and Bandstands: One (1) space for each four (4) seats.

Water and Sewage Treatment Plants:  
One (1) space for each employee.

Health Care Facilities

Centers for Observation or Rehabilitation, Convalescent Homes: One (1) space for each four (4) beds, plus one (1) space for each one thousand (1,000) square feet of gross floor area.

Hospitals: One and one-half (1 1/2) spaces for each bed.

Medical or Dental Clinics: Five (5) spaces for each staff member or doctor or dentist, or two (2) spaces for each treatment or examination room, whichever is greater.

Intermediate Impact Type  
Facilities and Land Uses

Colleges, Junior Colleges and Universities:  
One (1) space for each one thousand (1,000) square feet of gross floor area utilized for academic purposes, plus one (1) space for each six (6) seats in an auditorium, arena, or stadium on the same lot.

Communications and Utility Services:  
Two (2) spaces per facility unless more spaces are required by the planning commission.

Special Personal and Group  
Care Type Facilities  
Land Uses

Associations for Physically or Mentally Handicapped: One (1) space for each and employee.

Family Day Care Homes: One (1) space per each four (4) pupils, plus one (1) space per each employee not living within the home.

Day Care Centers: One (1) space for each employee plus one (1) space for each five (5) children.

Nursing Homes: One (1) space for each employee, plus one (1) space for each two (2) patients.

Religious Facilities

All Activity Types: One (1) space for each three (3) seats in the assembly area or sanctuary.

Assisted Living Centers: See Section 4.010.1A, (1), (d), herein for parking requirements.

#### 4.010.1.C. Commercial Activities

##### 4.010.1.C.(1) Uses Located on Freestanding Sites

The provisions of this subsection shall apply to uses which are located on individual lots of record where no parking is shared with any other use or activity.

<u>ACTIVITY TYPE</u>	<u>GROSS FLOOR AREA (Square Feet) PER PARKING SPACE</u>
(a) Animal Care & Veterinarian Services	300
(b) Retail Trade - Apparel and Accessories	250
(c) Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental, and Delivery	25% of the gross lot area shall be allocated to parking.
(d) Automotive Service and Repair	300
(e) Building Materials & Farm Equipment Sales	1,000
(f) Contract Construction Sales	500
(g) Contract Construction Services	300
(h) Convenience Retail Sales and Services	150
(i) Equipment Repair Services	500
(j) Entertainment and Amusement Services:	
Art Galleries (Commercial)	400
Motion Picture Theaters	One (1) space per four (4) seats.
Theaters (Legitimate)	One (1) space per each four (4) permanent seats plus one (1) for every twenty-five (25) square feet of area where temporary seats are used.
Bowling Alleys and Billiard Parlors	Five (5) spaces per each alley, or every two (2) tables whichever is applicable.

pool

	Coin Operated Amusement or Arcade	One (1) space per 250
	Commercial Sporting Facilities	One (1) space per employee plus other spaces as determined by the planning commission.
	Dance Halls, Studios and Schools, and Skating Rinks	100
	Exhibition Halls and Commercial Auditoriums	40% of maximum capacity in persons.
	Gardens (Botanical and Zoological)	One (1) space per employee plus other spaces as determined by the planning commission.
	Marinas, Boat Docks and Boat Rental	One (1) space per employee plus other spaces as determined by the planning commission.
	Recording and Motion Picture Productions Studios	One (1) space per each three (3) seats.
	Theatrical Producers, Band, Orchestras and Entertainers	One (1) space per each three (3) seats.
	Riding Stables	Minimum of five (5) spaces plus one (1) per each employee.
	Resorts and Group Camps	One (1) space per each employee at peak season plus other spaces as required by the planning commission.
(k)	Financial and Real Estates Services	200 plus one (1) space per every employee.
(l)	Consulting and Administrative Services	400
(m)	Food and Beverage Service - General (Inside Service Only)	150



	(n)	Food and Beverage Service General (Containing Drive- Through Facilities)	100
	(o)	Food and Alcoholic Beverage Services	100
	(p)	General Business Communications Services	400 plus one (1) per each employee.
	(q)	Communications Services	300
	(r)	General Personal Services  Funeral and Crematory Services	One (1) space per (100) square feet of gross floor area or where a chapel is provided, one (1) space  each four (4) seats, plus one (1) space for every twenty-five (25) square feet of floor area where temporary seats are used which ever require the greater number of spaces.
for		All Others Personal Services	300
	(s)	General Retail Trade  Department Store Variety Store Miscellaneous General Merchandise Store	250
	(t)	Group Assembly	One (1) space per four (4) permanent seats plus one (1) spaces for every twenty-five square feet of area where temporary are used.
seats	(u)	Professional Services - Medical	300
	(v)	Professional Services - Non-Medical	400
	(w)	Transient Habitation (Motels and Hotels)	One (1) space per lodging unit in each building serving transient guests.

4.010.1.C.(2) Uses Located Within Commercial Complexes

Where two (2) or more commercial activities are grouped together on a single site or in any other configuration which involves the use of shared or common parking facilities, the parking requirements for such uses shall be calculated as provided below.

SHOPPING CENTERS

<u>Size of Complex</u> <u>(gross square footage)</u>	<u>Number of Spaces Required</u>
0-400,000 Square Feet spaces per	Four and one-half (4 1/2) one thousand (1,000) square feet, gross leasable area.
400,000 - 600,000 Square Feet area.	Five (5) spaces per one thousand (1,000) square feet, gross leasable
600,000 - 1,000,000 Square Feet and above	Five and one-half (5 1/2) spaces per one thousand (1,000) square feet, gross leasable area.

ALL OFFICE COMPLEXES

Four and one-half (4 1/2) spaces per one thousand (1,000) square feet of gross leasable area.

4.010.1.D. Manufacturing and Industrial Activities

One (1) space for each one thousand (1,000) square feet of gross floor area or one (1) space for each employee during the largest shift, whichever is greater.

4.010.1.D.(1) Warehousing, Foods or Freight Transport, and Storage

One (1) space for each three thousand (3,000) square feet of gross floor area plus one(1) space for each 7,000 square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.

4.010.1.D.(2) Manufacturing: Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards

One (1) space per each one thousand (1,000) square feet of gross floor area or one (1) space for each eight thousand (8,000) square feet of gross lot area, whichever is greater.

4.010.1.E. Agricultural, Resource Production, or Extractive Activities

Agricultural Services	One (1) space for each employee, and for veterinary services, one (1) space for each three hundred (300) square feet of gross floor area.
Commercial Feed Lots and Stockyards	As determined by the planning commission.
Mining, Drilling, and Quarrying	One and one-half (1 1/2) spaces for each employee.
Plant and Forest Nurseries	Five (5) spaces, plus one (1) space for each employee and one (1) space for each five (5) acres.

4.010.1.F. Other land uses

For buildings and land uses not referred to in the pre-cited activity classifications nor specifically listed in the corresponding use classification listings cited within Section 2.030, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.010.1.G. Extension of parking area into a residential district

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

- A. The parking area adjoins a commercial or industrial district.
- B. The parking spaces have their only access, or front upon the same street as the property in the commercial or industrial district(s) for which it provides the required parking.
- C. The parking space(s) is separated from abutting properties in the residential districts by a buffer strip.

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4.010.1.H. Requirement for design of parking lots.

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back onto a public street to obtain egress.
- B. Each parking space shall be no less than one hundred-sixty-two (162) square feet in area. All parking and loading spaces must be clearly marked.  
**(Amended by Ordinance #290, September 14, 2004)**

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\*See Illustration in Appendix for Typical Parking Lot Design configurations.

- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090, of this ordinance.
- 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 on and off the site, as well as to prevent the release of siltation off the site.
- E. There shall be a parking aisle at least twenty-four (24) feet wide serving all ninety (90) degree and sixty (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces, there shall be a minimum parking aisle of eighteen (18) feet in width. For parallel parking spaces, there shall be a minimum parking aisle of twelve (12) feet.
- F. All off-street parking areas (parking spaces, ingress-egress areas, parking aisles, etc.) shall be surfaced with asphalt, concrete, or other type of impervious surface capable of withholding the traffic load as deemed acceptable by the planning commission. (See definition of dust free surface).
- G. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.
- H. Handicapped parking spaces must be made conveniently available according to accepted standards (ADA requirements).

4.020. Off-street loading and unloading requirements. Every building or structure hereafter constructed and used for 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 (see definition of loading space in ARTICLE II). 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:

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

Off-Street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 sq. ft.	One (1) space
Over 40,000 sq. ft. to 100,000 sq. ft.	Two (2) spaces
Each additional 100,000 sq. ft. or major fraction, thereof	One (1) additional space

4.030. Temporary use regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses which are non-permanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, to determine yard requirements, setbacks, sanitary facilities, and parking spaces 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 C-2, I-1 or I-2 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, only after a licensed mechanical engineer officially certifies in writing that all pertinent rides are safe.
- B. Christmas Tree Sale: May obtain a thirty (30) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.
- C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings: In any district, except the C-1, Central Business District, a temporary structure may be permitted to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Unit In Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Ashland City Utilities System and the Cheatham County Health Department when applicable, approving the water supply and sewerage disposal systems of the temporary structure. Such a permit may be initially issued for six (6) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

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, as well as barber, as well as beauty, and tailor shops), 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 four (4) square feet in area is permitted.

When questions arise regarding the legality of specific home occupations, it shall be the responsibility of the Board of Zoning Appeals to make a determination thereof. However, activities such as dancing instruction, band instrument instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales businesses, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

4.050. 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 station and convenience market-food service facility restrictions. The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands. Gasoline pump canopies shall be included in the computation of maximum lot coverage requirements.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
- C. Sign requirements as established in the City Sign Ordinance, shall be met.
- D. No canopy shall exceed the height requirement as cited within the applicable zoning district, nor shall such any canopy extend in height more than four (4) feet above the height of principal structure to which such canopy is attached.

4.070. Special provisions for party walls. Within those districts where two family dwellings (duplexes) may be located upon single zone lots, such zone lots may be subdivided by party wall into two separate zone lots, provided that all the necessary information pertaining to such developments, as required in Section 3.120, is approved by the planning commission along with the necessary subdivision plat(s). Moreover, two separate personal, professional, and/or business service oriented land uses may be located on two separate zone lots, being adjoined together by party wall within commercial zoning districts, provided that a plot plan of such development or conversion, as required in Section 3.120, is approved by the planning commission along with the necessary subdivision plat(s). Please note that the provisions of this section are only specific to isolated, generally non-coterminous lots, applying mainly to "Infill type developments". In no case with the exception of planned developments shall these provisions apply to the development of more than six (6) coterminous zone lots. In granting approval of the plot plan, the planning commission shall be guided by the following criteria: **(Deleted Section 4.070 through Subsection 4.079.2 and Renumbered 4.080 to 4.070, etc., by Ordinance 303, May 10, 2005)**

- (1) Other than the zero-lot line separating the two dwelling units or zone lot, all other lot, yard, and density requirements of the zoning district shall be met.
- (2) No zero side yard shall be adjacent to any public or private right-of-way.

- (3) No portion of a dwelling or architectural features of any structure shall project over any property line.
- (4) Where the same interior property line is utilized for the zero side yard construction of any dividing structure, such dividing structure shall consist of double walls separated by a minimum air space of two (2) inches.
- (5) Where the same interior property line is utilized for the construction of any zero side yard structure, all the provisions of the Standard Building Code, shall be met, and all such fire walls shall have a rating of not less than two (2) hours duration.
- (6) At all points of attachment, such buildings shall be separated from each other by firewalls extending from footings to the underside of the roof deck without openings which would permit the spread of fire.
- (7) Individual water services and sewer services as well as maintenance easements and water meters for each zone lot shall be required.
- (8) All the requirements of the Ashland City Subdivision Regulations shall be met.
- (9) All current requirements of the Standard Fire Protection Code must be satisfied. Other information that shall be provided relating to deed covenants is as follows:

- (1) An agreement covering the status, including the ownership, maintenance, etc., of the common wall separating the units or zone lots.
- (2) Adequate language to assure proper maintenance etc., of any portion of the structure where maintenance must be shared (ex. common roof).

If the correction of a maintenance problem incurred in the dwelling unit or structure which on one parcel (zone lot) necessitates construction work or access on the dwelling unit or structure of the other parcel, either parcel owner shall have an easement on the property of the other for the purpose of this construction. Each party shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the other(s) under any rule or law requiring liability for negligent or willful acts or omissions.

- (3) Adequate language to assure that any property divided under this provision shall be continuously subject to the unified plan under which said property was originally approved. Such language shall so specifically include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner which would have the effect of negating the unified plan under which original approval was granted, and language indicating that the purchaser of any such parcel understands that in no instance will any such parcel or zone lot be viewed as a separate independent parcel for zoning purposes, other than for the purpose or specific use under which said parcel was originally approved.
- (4) Adequate language covering any and all cross-access and utility easements as are necessary to assure the proper use and maintenance of all ingress and egress areas, as well as all utility services.

- (5) If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions. Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.

4.080. Development standards for mobile home parks. The following land development standards shall apply to all mobile home parks:

- A. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- B. The mobile home park shall be located on a well drained site, which is properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.
- C. Dimensional Requirements for Parks:
1. Each mobile home park shall have a front yard setback 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 twenty (20) 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.
- D. Landscaping and Sign Regulations:
1. Entrance and exit areas within mobile home parks shall be landscaped as required in Section 3.140, of this ordinance.
  2. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only. Such lighting shall not be directed beyond the boundaries of the mobile home park.
- E. 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 twenty (20). 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) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer 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 four thousand (4,000) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand four hundred (6,400) square feet.

No mobile home park shall be permitted unless such park is served by public water supply and sanitary sewerage services.

F. 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 Ashland City Subdivision Regulations; such streets shall be curbed and guttered. The right-of-way of such streets shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
2. All mobile home spaces within the park shall abut an access road as described in Subsection F, 1, of this section.
3. Each mobile home space shall be provided with a connection to the sanitary sewer line.
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 (motor homes), 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 the required tiedowns of mobile homes.

G. 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 all buildings or structures 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 the 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. A comprehensive drainage and erosion control plan.
11. Such other architectural, engineering, and topographical data as may be required to permit the local County Environmentalist, the Ashland City Building Inspector, 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.
12. 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.
13. All mobile home parks which do not conform to the provisions of the zoning ordinance and are nonconforming and/or nonconforming shall be governed in accordance with the provisions of Section 6.020, of this ordinance.
14. A landscape plan graphically depicting the location of all proposed landscaping, as well as a table indicating the type and number of landscape treatment proposed in relation to the required percentage thereof (See Section 3.140).
15. A typical section illustrating the type of buffering proposed, as well as the graphic location of such planted buffering.

H. Application for Mobile Home Park Building Permit: An application for a permit to develop and construct a mobile home park shall be filed in accordance with Article VII, Section 7.060, of this ordinance 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 will be submitted to the Ashland City Building Inspector, the City Engineer and staff planner. The Building Inspector, City Engineer and Staff Planner shall duly review these materials and shall coordinate the review with other affected agencies and departments.

2. The Ashland City Building Inspector, City Engineer and Staff Planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which after a formal review of all required information thereof, 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, or why the site plan was denied.

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 values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined herein 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 five hundred (400) feet from any established residential zoning district.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking: As regulated in Article IV, Section 4.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single\_street frontage shall be limited to:
  1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  2. Two (2) driveways where the road or street frontage of the subject parcel exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
  3. Other applicable requirements of Section 3.090 pertaining to access control shall be met.
- G. Signage: Signage is regulated by the provisions of the Sign Ordinance for the Town of Ashland City.

H. Application for Automobile Wrecking Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Ashland City until he has secured a permit from the Ashland City Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article VII, Section 7.060, of this ordinance and shall be accompanied by a detailed site plan, 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 the time schedule in Section 7.060.

4.100. Yard requirements on corner lots in residential districts. On all corner lots in residential districts there shall be two (2) required front yards, and two (2) required side yards (See definition of side yard in Section 2.020, of Article II, herein). According to the siting of the principal structure on said lot, one of these required side yards will in effect become the rear yard for this lot. **(Renumbered 4.120 through 4.270 to 4.100 through 4.250, by Ordinance 329, January 9, 2007).**

4.110. Minimum residential front yard requirements on turn-arounds of cul-de-sac streets. On all lots directly fronting turn-arounds in residential zoning districts, the minimum required lot widths at the front building setback lines as stipulated in Article V, may be reduced by seventy (70) percent of said residential district requirement. This supplemental exemption is designed to foster improved siting of principal structures on such turn-arounds.

4.120. Special provisions for residential occupancy in connection with mini-warehouse facilities (self-service storage facilities). In all C-2, Zoning Districts, as well as in all industrial zoning districts wherein mini-warehouse facilities are allowed, the following standards shall APPLY:

- A. Residential occupancy may be permitted in conjunction with the office facility situated within the mini-warehouse complex or facility on the same zone lot, as an accessory use thereof, in order to facilitate adequate security of the premises according to the following provisions:
  - 1. No more than one (1) dwelling or rooming unit may be permitted in conjunction with the office facility situated within the complex, located on the same zone lot, limited to two (2) bedrooms of no more than nine hundred (900) square feet.
  - 2. Any office-dwelling unit or office-rooming unit permitted under the provisions of this section shall be strictly limited to occupancy by two (2) persons employed to manage the office facility on the same zone lot while providing security services to the entire mini-warehouse facility thereon.
  - 3. Prior to issuing a permit for a special exception for this section, detailed plans must be submitted to the Board clearly demonstrating the location of the office-dwelling unit internal to the site, the specific parking spaces and parking aisles servicing this office-dwelling unit complex, as well as all other required information as cited in Sections 7.060 and 7.061, Subsections A, B, and C, of Article VII, of this ordinance.
  - 4. It must be demonstrated that all other fire code and applicable building codes are being met prior to the approval of a special exception by the Board of Appeals, in this regard.

- B. The additional supplementary regulations shall also apply to mini-warehouse (self-service storage) FACILITIES:
1. No self-storage facility shall be approved upon a lot less than two (2) acres in size.
  2. All storage shall be kept within an enclosed building, except propane or a gasoline engine or storage tanks or any boat or **vehicle** incorporating such components, which shall be stored in designated screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.
  3. A barrier shall be provided around the perimeter of the facility. Said barrier shall be located at the front setback line as well as along the sides and the rear of the project, and shall consist of either the solid facades of the storage buildings or a fence. If the barrier is to be provided by a fence, said fence shall be a minimum of six (6) feet in height and shall be constructed of opaque or semi-opaque materials that will prevent the passage of light and debris, such as brick, stone, architectural tile, masonry units, wood, or similar materials, but expressly prohibiting woven wire.
  4. No business activity other than the rental of storage units and pick-up or deposit of dead storage shall be conducted on the premises. All contracts for rental of self-storage facilities shall include clauses prohibiting the storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals and the use of the property for any purpose other than dead storage. Examples of prohibited activities include, but are not limited to the following:
    - a. Auctions, commercial wholesale or retail sales or miscellaneous or garage sales.
    - b. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment
    - c. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.
    - d The establishment of a transfer or commercial warehouse business.
  5. Parking spaces shall be provided based on three percent of the total storage units or five parking spaces, whichever is greater. ***(amended by ordinance 364)***
  6. Driveway aisles shall be a minimum of twenty-four (24) feet in width. A driveway aisle where access to storage units is only on one side of the aisle may be twenty (20) feet in width.
  7. The maximum size of a storage unit shall be six hundred (600) square feet, and no more than four thousand (4,000) square feet shall be leased to a single tenant.

8. All outdoor lighting shall be shielded so as to direct light and glare only onto the premises of the self-service storage facility and away from all adjoining property. Such lighting shall be sufficient to discourage vandalism and theft.

#### 4.130. Cluster residential development standards (single-family subdivided dwellings)

Intent: To permit greater flexibility for creative design and to achieve superior scenic quality and recreational opportunity close to home by providing for residential subdivisions which incorporate permanent local open space accessible to all residential lots.

How it works: Instead of the conventional subdivision procedure which results in single-family homes more or less evenly spaced throughout the site, these provisions allow individual lot and yard requirements to be reduced to permit closer grouping or "clustering" of homes on a portion of the site. Developers, however, cannot construct more dwelling units on the site than the zoning minimum lot size requirements call for, but can reduce individual lot sizes if the land thus saved is put into permanent open space.

##### 4.130.1 Procedure for approval

4.130.1.A Preliminary plan and consultation. Before preparing a formal proposal for cluster residential development the applicant shall submit ten (10) copies of a preliminary plan of the proposed development to the planning commission as a basis for reaching general agreement on major aspects of the project. Such plan must be presented no later than twenty (20) days prior to the planning commission meeting. The preliminary plan shall indicate, at a scale no smaller than 1"=50':

- total (gross) acreage of the site.
- location of the site at a scale no smaller than 1"-50'.
- boundaries and acreage of the site.
- number, location (building envelopes) of single-family dwelling units.
- arrangement of streets, structures, and lots.
- access to existing streets.
- allowable local open space tracts and prospective uses. Some active forms of recreational land uses are required, and must be clearly distinguished from more passive forms of recreational uses.
- location and size of water and sewer lines. -
- existing and proposed topographic contours.
- location of fire hydrants, walls, and screening and buffering.
- location of wetlands and flood prone areas, as well as areas containing slopes of twenty-five (25) percent or more.
- location of easements.
- height of buildings.
- location of areas containing slippage soils as defined herein.
- location of areas containing steep slopes as defined herein. -
- location of sinkhole areas as defined herein.
- other geotechnical characteristics of the site, if needed.
- a table clearly depicting the breakdown of on-site acreage by flood prone acreage, required acreage for street rights-of-way, and acreage containing overly steep slopes as defined herein.

4.130.1.B Plat approval procedure. Proposals for cluster residential developments shall be subject to the Ashland City Subdivision Regulations, shall be prepared and reviewed under the plat approval procedures therein, and shall be in accordance with the provisions of this section.

4.130.1.C Development standards. The following standards and requirements shall apply to all cluster developments.

(1) General standards for development

In the interest of promoting the most appropriate and economical use of the land while assuring that the character of the residential district is maintained, the Planning Commission in its review of a proposed development shall consider the following:

- (a) The protection of the character, property values, privacy and other characteristics of the surrounding neighborhood;
- (b) The provision for surface drainage control, sewage disposal, and water supply, recreation and traffic control; and
- (c) The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

4.130.1.D Development requirements.

- (1) This section shall apply only to single family residential structures excluding mobile homes.
- (2) Minimum number of dwelling units per subdivision 50.
- (3) Maximum Density.

The average number of dwelling units per acre or density of buildable land (not including land for street right-of-way, land containing slopes of twenty-five (25) percent or more, and flood prone acreage) shall in no case exceed the maximum allowable density as established within the applicable zoning district. In the computation of the maximum buildable acreage, twenty-five (25) percent of said total be allocated for street right-of-way regardless of the acreage actually required thereof. Areas containing flood prone areas as defined in Section 8.020 shall be considered additive to this twenty-five (25) percent open space figure in arriving at the total open space within the project (non-fee simple ownership area). Furthermore, other supplemental design standards enumerated in Article III, herein, as apply to steep slopes, slippage soils, and sinkholes shall be incorporated in a tabular and graphic format indicating the acreage and location of these environmental site limitations. This information shall also be utilized to determine the maximum

allowable density of development. Flood prone acreage shall be defined as any land lying below the 100-year flood elevation within the applicable drainage basin, as well as any land falling within any officially designated 100 year floodplain.

(4) Minimum lot size, width or yard requirements ...

Lot size -	6,000 sq. ft.
Lot width -	50 ft.
Rear setback -	15 ft.
Side setback -	5 ft.
Front setback -	20 ft.

(5) Structure location requirements.

-Minimum distance between any structure and any exterior property line	50 feet.
-Minimum distance between structures and street right-of-way line	40 feet.
-Minimum spacing between structures	24 feet, or more as required by the N.F.P.A Standard Fire Protection Code.

(6) Buffering requirements.

Either a ten (10) foot planted buffer strip as defined in the definitions section herein, or the construction of a six (6) foot brick wall, or solid wall as approved by the planning commission must be established around the periphery of any cluster residential subdivision.

(7) Utilities.

The development shall be serviced by public sewer and water facilities, on trunk lines not less than eight (8) inches and eight (8) inches respectively.

(8) Streets.

All streets within cluster development subdivisions must be constructed according to all design standards established within the subdivision regulations. No private streets shall be approved within cluster development projects.

(9) Common open space.

(a) Minimum common open space requirement.

Plats proposed for approval under the provisions of this section shall include local open space tracts of size, developed use, location, shape and topography which will meet the



intent of this section, as well as the Ashland City Subdivision Regulations. The minimum amount of local open space to be allocated shall in no case be less than the aggregate amount by which building lots are reduced from regular minimum lot size requirements, and must meet the design standards enumerated above in Section 4.130.1, D, (3), contribute a lesser density than would be normally the case under the nonclustered process of land subdivision. The minimum developed recreation area (the developed recreation area per the total floor area within the project) shall be no less than a ratio of .14, with developed or acceptable recreational uses being defined hereafter in Section 4.130, D, (9), (b).

(b) Permitted common open space uses.

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

-Private recreational facilities, such as golf courses, and miniature gold courses, play-grounds, basketball facilities, ballfields, tennis courts, soccer fields, or swimming pools, which are limited to the use of the owners or occupants of the lots located within the subdivision.

-Historic building sites or historical sites, scenic parks and parkway areas, developed walking and/or bicycle trail areas, picnic areas and shelters extensive areas with tree cover, low land along streams which are not designated as mapped floodplains, or areas of rough terrain having natural features worthy of scenic preservation as determined by the planning commission.

(c) Legal requirements for operation and maintenance

Local or common open space, at the option of the developer, may be retained by him or her, a Homeowners Association or other organization approved by the planning commission. d e e d

When such tracts are retained by the developer, plans for improvement and maintenance of these tracts must be approved by the planning commission, and deed covenants, made to assure continuing use of the tracts for local open space purposes. All such documents filed with the planning commission, must be approved by the city attorney as to their form and content, prior to the approval of construction plans of the subdivision by the city engineer.

When such tracts are to be retained by a Homeowners Association, all details pertaining thereto must be reviewed and approved by the city attorney. The developer shall provide: b e d

( i ) The legal framework for a consisting of articles of incorporation and by-laws which guarantee as a minimum:

-that the Homeowners' Association responsible for liability insurance, local taxes, maintenance of recreational or other facilities pertaining to the local open space.

-that when more than fifty (50) percent of the lots within the subdivision are sold, there shall be a special meeting of the Homeowners' Association within sixty (60) days thereof, in order that the items cited herein under (ii) are properly established and incorporated within this association.

(ii) Deeds to individual lots within the subdivision, which shall convey mandatory membership in the Homeowners' Association, and the following provisions:

-responsibility for paying a pro rata share of the cost of Homeowners' Association

-agreement that the assessment levied by the association can become a lien on the property if not paid.

-agreement that the association shall be able to adjust the assessment to meet changing needs.

-guarantee of permanent unrestricted right to utilize lands and facilities owned by the association.

4.140. Development standards applying to duplex residential dwellings, as well as zero-lot line two-family dwellings

A. Purpose:

The provisions set forth herein are intended to apply to all two-family detached dwellings (duplex and zero-lot line two-family dwellings) as defined by this ordinance regardless of the district in which such uses may be located. It is the express purpose of these regulations to establish design criteria and to provide for the implementation of these provisions by the planning commission in the case of zero-lot line dwellings as discussed in Section 4.070, or by the Board of Zoning Appeals in the review of applications for special exceptions as required in Article V, Section 5.060, of this ordinance. Moreover, these provisions provide for the implementation of these standards by the planning staff through the review of applications for building permits, or by the planning commission through the review of subdivision plats, when required.

B. Design criteria:

1. All two-family detached units constructed on individual zone lots shall be designed to closely resemble in appearance the other housing units in the neighborhood. Particular attention should be paid to locating only one entrance door servicing the front of the structure.
2. Exterior building materials shall be of the same type and quality of other dwelling units in the neighborhood or on adjoining lots.
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, as well as the screening of objectionable views or uses, and the reduction of noise, when required by the board of appeals, planning staff, or planning commission, as applicable.
4. The appearance and character of the site shall be preserved, as appropriate, and enhanced by retaining and protecting existing trees and other site features. Additional new plant materials shall be added for privacy, beauty of buildings and grounds, and to screen objectionable features.
5. Appropriate notations verifying these standards shall be placed on application forms for building permits as well as on the applicable subdivision plats. Such notations shall also be placed on the plans to be reviewed by the Board of Zoning Appeals as special exceptions whenever zero lot-line dwellings are involved. Architectural drawings and perspective illustrations may be required to substantiate compliance with the design criteria within this section if required by the appropriate approving person, board, or commission in question.

C. Lots:

The minimum lot size required for any such dwelling shall be as stipulated by the development area per dwelling unit as provided in each respective zoning district.

D. Parking:

1. These requirements shall supplement the parking provisions contained in Section 4.010, of Article IV.
2. No off-street parking areas shall be located in the front of the structure. Every effort shall be made to locate some of the required off-street parking in the rear yard, as well as in the side yard.

4.150. Development standards as apply to multi-family dwellings

A. Purpose:

The provisions set forth herein are intended to provide a limited number of basic design standards for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to supplement the plot (site) plan provisions as cited in Article III, Section 3.120, or the planned unit development provisions as cited in Article V, Section 5.060, in an effort to establish safe, attractive, and efficient design patterns thereof.

B. Development standards:

1. No multi-family structure shall contain more than twelve (12) dwelling units per floor in a single building or structure.
2. No two adjoining multi-family structures shall be located at a uniform setback from any front, side or rear property line of the zone lot being developed, unless such zone lot contains severe natural constraints such as very steep topographic slopes, large water bodies, a very narrow, or odd-shaped configuration, etc., as determined by the planning commission. Every effort shall be made to stagger the setback of adjoining structures by no less than ten (10) feet.
3. At a minimum, there shall be a dimension of no less than thirty (30) feet between any two structures containing two (2) stories, as well as between any structure or building and any exterior property line. Under no circumstance shall any structure be placed less than twenty-four (24) feet from any other structure.

4.160. Height requirement as applies to fences. No fence for the purposes of complying with the provisions of this ordinance shall be more than six (6) feet in height, except as pertains to the developmental standards cited in Section 4.090, herein.

4.170. Antennas and satellite (T.V.) dishes. For the purposes of this ordinance all detached radio and television antennas and satellite dishes shall adhere to all required front yard setbacks. When these uses are situated in side yards, they shall be located no closer than ten (10) feet from side property lines. They shall be no closer than eight (8) feet from applicable side and rear property lines when such uses are located in rear yards. All radio and television antennas taller than the applicable height restriction of the applicable zoning shall be located within the designated rear yard.

4.180. Minimum design standards for transmission and communication towers and stations. It is the intent of this Section to avoid potential damage to property caused by Towers\_and Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, and maintained, while ensuring such Towers are compatible with the surrounding land uses. The purpose of this Section is also to promote and encourage shared use/collocation of such towers and Antenna Support Structures as a primary option, rather than the construction of single-use Towers.

4.180.1 Standards for telephone, telegraph, and communications transmitter Stations and towers. All transmitter stations, including towers and operating equipment\_located within Ashland City shall adhere to the following standards:

- (a) All towers with a height of one hundred-fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1996 utilizing a wind rating of eighty miles per hour (80 MPH) plus ice loading for Ashland City, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.

- (b) All towers shall be set back from all property lines and leasehold lines a distance that is equal to:
  - 1) for a guyed tower, fifty (50) percent of its maximum height, and
  - 2) for a self supporting tower, one hundred (100) percent of its maximum height.
- (c) Fencing. The area in either fee-simple ownership or leasehold procurement containing such tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.
- (d) Screening. Where the tower site abuts or is contiguous to any Residential District, there shall be provided a continuous, solid screening, and it shall be of such plant materials as will provide a reasonable year-round evergreen screening. Screening, as required herein, shall be not less than four (4) feet in height at the time of planting, and shall be permanently maintained by the leaseholder or owner of the subject property. (See definition of planted buffer strip).

4.180.2 Application requirements. An application to develop a Transmission and Communications Tower shall include as minimum the following:

- 1. All site plan information cited in Section 3.120, of this Ordinance, which is deemed applicable by the Planning Commission.
- 2. A "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- 3. Documentation that any applicable leasehold is no less than twenty-five (25) years in duration.
- 4. The names, addresses, and telephone numbers of all owners of other Communications/Transmission Towers or Support Structures within a one-half (1/2) mile radius of the proposed new Tower site, including city-owned property.
- 5. An affidavit attesting to the fact that the project applicant made diligent, but unsuccessful, efforts to install or collocate the project applicant's Telecommunications Facilities on city-owned Towers or useable Antenna Support Structures located within a one-half (1/2) mile radius of the proposed Tower site.
- 6. An affidavit attesting to the fact that the project applicant made diligent, but unsuccessful, efforts to install or collocate the project applicant's Telecommunications Facilities on Towers or useable Antenna Support Structures owned by other persons located within a one-half (1/2) mile radius of the proposed Tower site.
- 7. Written technical evidence from an engineer(s) that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on any available Tower or useable Antenna Support Structure located within one-half (1/2) mile radius of the proposed Tower site.

4.190. Standards as apply to adult-oriented business establishments. Please refer to Section 7.061.13, for specific standards, as such uses are regulated as conditional uses (special exceptions). See Article II, herein for appropriate definitions.

4.200. Standards as apply to fire department connections in buildings with sprinkler systems. Every fire department connection shall be so located with respect to hydrants, driveways, buildings and landscaping, such that fire apparatus and hose connections to supply the system will not obstruct access to the buildings for other fire apparatus. Where more than one fire department connection serves the same property, all such connections shall be grouped at the same location and clearly marked, unless otherwise approved by the local fire official.

4.210. Standards as apply to motor home (travel trailer) parks. The same development standards and developmental procedures as required for mobile home parks as cited in Section 4.080 shall apply to motor home (travel trailer) parks, as well as any other information as may be required by the Board of Zoning Appeals. Mobile homes shall not be placed in motor home parks.

4.220. Standard applying to cemeteries. No building or structure shall be erected within fifteen (15) feet of the perimeter or outer boundary of any cemetery or graveyard.

4.230. Standards applying to swimming pools. The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, excluding aprons and walks, shall protrude into any required front yard, in the R-1, R-2, R-3, R-4 and R-5 Districts.
- B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.
- C. Fencing and Guardrail Opening Limitations: Intermediate dividers such as horizontal slats, vertical slats, spindles, wrought iron, wire fencing, etc. shall have spacing which does not allow the passage of an object of four (4) inches or more in diameter.

4.240. Screening of propane tanks and dumpsters. As a requirement of plot (site) plan approval, all propane tanks and solid waste dumpsters shall be opaquely screened from view. Such screening or fencing shall be no less than six (6) feet in height, unless specifically authorized otherwise by the planning commission.

4.241. Propane tanks – placement. All propane tanks shall not be placed in front of the primary use structure. **(Added by Ordinance 320, August 8, 2006)**

4.250. Standards applying to bed and breakfast home residences. Please refer to Section 7.061.16, for specific standards, as such uses are regulated as conditional uses (special exceptions).

ARTICLE IV *(Added By Ordinance 352, November 10, 2008)*

**SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS**

**4.260 Minimum Standards for Land Disturbing Activities**

**4.260.1 Purpose**

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

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

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

Definitions

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

#### **4.260.2 Sediment and Erosion Control**

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

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

#### **4.260.3 Application Review**

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

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



#### **4.260.4 Stormwater Runoff**

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

#### **4.260.5 Inspection of Development**

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

#### **4.260.6 Permit**

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

E. "Construction/demolition wastes" means resulting from construction, remodeling, repair and demolition of structures and

from road building. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock and lumber, road spoils, rebar, paving material.

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

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

**4.260.7 Application Required**

- A. A person seeking a permit required by this article shall file a written application and site plan thereof with the Building Official and/or other designated official.
- B. Required Information: The application shall contain:
  1. Name and address of the applicant.
  2. A legal description of the parcel of land to be filled or excavated or upon which the ditch, canal, drain or watercourse to be altered or relocated is situated.

3. If required by the Building Official and/or other designated official, a topographical map of the land to be filled or excavated or of the ditch, canal,

drain or watercourse to be altered or relocated and the surrounding area for such distance as the Building Official and/or other designated official may direct.

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

#### **4.260.8 Maintenance of Facilities and Grant of Easements**

##### A. Maintenance of Facilities

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

##### B. Grant of Easement

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

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

EXHIBIT A

TOWN OF ASHLAND CITY PLANNING DEPARTMENT  
CONSTRUCTION SITE RUNOFF CONTROLS CHECKLIST

This checklist is to be filled out before construction begins for all developments which anticipate land disturbance during construction. The checklist shall accompany the Building Permit Application. The purpose of the checklist is to monitor compliance with the Town of Ashland City Zoning Ordinance, Stormwater Regulations of the Environmental Protection Agency and the Stormwater Regulations of the TENNESSEE Department of Environment and Conservation.

1. What is the land area disturbed by the construction of this project? \_\_\_\_\_ acres
2. Is the land area greater than one (1) acre? \_\_\_\_\_ yes \_\_\_\_\_ no
3. If the land area is greater than one (1) acre, has compliance with the requirements of the Tennessee Department of Environment and Conservation (TEDAC) and/or the United States Environmental Protection Agency been attained?  
\_\_\_\_\_ yes \_\_\_\_\_ no
4. Provide a complete site plan meeting the regulations for Ashland City.

**SECTION II. LEGAL STATUS PROVISIONS**

**Section A. Conflict with Other Ordinances**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of ASHLAND CITY, Tennessee, the most restrictive shall in all cases apply.

**Section B. Validity**

If any section, clause, provision, or portion of this Ordinance 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 Ordinance which is not of itself invalid or unconstitutional.

ARTICLE V  
ZONING DISTRICTS

SECTION

- 5.010 Classification of districts
- 5.020 Zoning map
- 5.030 Zoning district boundaries
- 5.040 Zoning of annexed territory
- 5.050 Specific district regulations
- 5.051.4 R-4 Mixed density residential - Planned Unit Development (MDR-PUD) District
- 5.060 Special overlay district description and purpose
- 5.070 General provisions
- 5.080 Administrative procedure
- 5.090 RPUD, Residential planned unit development overlay districts
- 5.100 CPUD, Commercial planned unit development overlay districts

5.010. Classification of districts. For the purpose of this ordinance, the following districts are hereby established in the Town of Ashland City, Tennessee:

Zoning District	District Abbreviation
Low-Density Residential	R-1
Low-Density Residential	R-2
Medium-Density Residential	R-3
High-Density Residential	R-4 (PUD)
High-Density Residential	R-5
Central Business	C-1
Highway Service	C-2
Neighborhood Service Business	C-3
Professional-Office	P-O
Light Industrial	I-1
Light Industrial	I-2
Heavy Industrial	I-3
Historic	H-1
Overlay Districts	
Residential Planned Unit Development	RPUD
Commercial Planned Unit Development	CPUD

5.020. Zoning map. The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map designated as the Official Zoning Map of Ashland City, Tennessee. The Zoning Map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted Official Zoning Map and amendments thereto shall be maintained in the office of the City Clerk and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030. Zoning district boundaries. Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines or the centerline of the main tracks of a railroad, and the center of streams when applicable. Such lines drawn as to appear on these lines are hereby on these lines. Where district boundary lines approximately parallel a street or other right-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale and said zoning map. Questions concerning the exact locations of district boundaries shall be determined by the Ashland City Board of Zoning Appeals.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed three hundred (300) feet beyond the district line into the remaining portion of the lot.

5.040. Zoning of annexed territory. All territory which may hereafter be annexed to the Town of Ashland City shall be zoned "Low-Density Residential, R-1 ". Such annexed territory shall retain such zoning classification until such time as the necessary studies are made by the planning commission and the Official Zoning Map is amended in the manner provided in Article VII, Section 7.090.

5.050. Specific district regulations . The regulations that follow in Section 5.051 through 5.053, shall apply in the fourteen (14) zoning districts established in Section 5.010, of this ordinance. Article II, Sections 2.020 and 2.030, shall be referred to in order to define the various uses permitted in the following district regulations.

5.051. Residential Districts. The Residential Districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

1. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;
2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces;
4. To require for the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned developments with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing greater freedom of architectural and site design;
5. To provide for access of light and air to windows and for privacy, by the establishment of controls over the spacing and height of buildings and other structures;

6. To provide appropriate space for public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences; and
7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenues.

5.051. 1 R-1, Low-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally this district will consist of single-family detached dwellings. This district also includes community facilities, public utilities, and open uses which specifically serve the residents of the district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics, if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

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

1. Single-family detached dwellings.
2. Prefabricated dwellings.
3. Customary accessory buildings or structures, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than eight (8) feet to any lot line.
4. Customary incidental home occupation as regulated in ARTICLE IV, SECTION 4.040.
5. Agricultural uses.
6. Essential Public Transport, Communication and Utility Services.
7. Signs as regulated by City Ordinance.

C. Uses Permitted as Special Exceptions:

In the R-1, Low-Density 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 7.060.

1. Religious Facilities.
2. Educational Facilities.
3. Cultural and Recreation Services.
4. Governmental Administrative Services.
5. Family Day Care Homes.
6. Farms.
7. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.
8. Associations for mentally and physically handicapped persons.
9. Community Assembly Uses.
10. Golf Courses.
11. Cemeteries.

D. Uses Prohibited:

Mobile homes; mobile home parks; advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

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

1. Minimum Lot Size:

Area	15,000 sq. ft.
Area per Family	15,000 sq. ft.
Lot Width at Building Setback Line	100 feet

2. Minimum Yard Requirements:

Front Setback	40 feet
Side	15 feet
Rear	25 feet

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.



4. Height Requirements: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.040.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.05 1.2 R-2, Low-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for low-density residential development where complete urban services and facilities are provided or where the extension of such services and facilities will be physically and economically installed.

Most generally this district will be characterized by single family detached dwellings and such other structures as are accessory thereto. This district is intended also to permit community facilities and public utility installations which are necessary to specifically service the residents of the district, or which are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential environment, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics, if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

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

1. Single family detached dwellings.
2. Prefabricated dwellings.
3. Customary accessory buildings or structures, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than eight (8) feet to any lot line.
4. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.
5. Essential Public Transport, Communication and Utility Services.
6. Signs as regulated by City Ordinance.

C. Uses Permitted as Special Exceptions:

In the R-2, Low-Density 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 7.060.

1. Educational Facilities.
2. Religious Facilities.
3. Cultural and Recreation Services.
4. Governmental Administrative Services.
5. Planned developments as regulated in ARTICLE V, SECTION 5.060.
6. Family Day Care Homes.
7. Associations for mentally and physically handicapped persons.
8. Farms.
9. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.
10. Community Assembly Uses.
11. Golf Courses.
12. Cemeteries.

D. Uses Prohibited:

Mobile home parks; advertising structures; uses not specifically permitted; or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-2, Low- Density Residential shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area - Single Family Detached Dwelling	12,000 sq. ft.
Area Per Family - Single Detached Lot Width at Building Setback Line	12,000 sq. ft.  90 feet

2. Minimum Yard Requirements:

Front Setback	40 feet
Side	12 feet
Rear	20 feet

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed thirty-five (35) percent of the total area of such lot or parcel.

4. Height Requirements: No building shall not exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.040.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.051.3 R-3, Medium Density Residential

A. District Description:

This district is designed to provide suitable areas for medium density residential development where complete urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated.

Most generally this district will be characterized by single-and two-family (duplex) detached dwellings and such other structures as are accessory thereto. As well, multi-family dwellings developed at a medium density as planned developments may also be allowed. This district is intended also to permit community facilities and public utility installations which are necessary to service and do service specifically the residents of the district, or which are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential environment, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-3, Medium Density Residential District, the following uses and their accessory uses are permitted:

1. Single family dwellings.
2. Prefabricated dwellings.
3. Duplex dwellings.
4. Customary accessory buildings or structures, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than eight (8) feet to any lot line.

5. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.
6. Essential Public Transport, Communication and Utility Services.
7. Signs as regulated by City Sign Ordinance.

C. Uses Permitted as Special Exceptions:

In the R-3, Medium Density 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 7.060.

1. Boarding or Rooming Houses.
2. Educational Facilities.
3. Religious Facilities.
4. Cultural and Recreation Services.
5. Governmental Administrative Services.
6. Planned developments as regulated in ARTICLE V, SECTION 5.060.
7. Family Day Care Homes.
8. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.
9. Bed and Breakfast Home Residences.
10. Cemeteries.
11. Golf Courses.
12. Health Care Facilities.
13. Community Assembly Uses.

D. Uses Prohibited:

Mobile home parks; advertising structures; uses not specifically permitted; or uses not permitted upon approval as special exceptions.

E. Dimensional Regulations:

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

1. Minimum Lot Size

Area - Single Detached Dwelling	10,000 sq. ft.
- Duplex	15,000 sq. ft.
- Planned Development	
- (Multi-Family)	10 acres
Area per Family - Single Detached	10,000 sq. ft.
- Detached	7 , 5 0 0
s q . f t .	
- Planned Development	
(Multi-Family)	5,000 sq. ft.
Lot Width at Building	
Setback Line	80 feet/50 feet for zero lot line developments

2. Minimum Yard Requirements:

Front Setback	35 feet
Side	12 feet
Rear	20 feet

3. 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.

4. Height Requirements: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.040.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.051.4. R-4, High-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for high density residential developments where sufficient urban facilities are available or where such facilities will be available prior to development. This district is primarily characterized by residential structures each containing a multiple number of dwelling units, as well as two-family (duplex) detached dwellings. This district is intended also to permit community facility and public utility installations which are necessary to service and do specifically service the residents of the district, or which facilities and services are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics, if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-4, High-Density Residential District, the following uses and their accessory uses are permitted:

1. Duplex dwellings.
2. Multi-family dwellings.
3. Board and rooming houses.
4. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than eight (8) feet to any lot line.
5. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.
6. Essential Public Transport, Communication, Government, and Utility Services.
7. Signs as regulated by City Sign Ordinance.

C. Uses Permitted as Special Exceptions:

In the R-4, High-Density 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 7.060.

1. Community Assembly Uses.
2. Religious Facilities.
3. Educational Facilities.
4. Cultural and Recreation Services.
5. Planned developments as regulated in ARTICLE V, SECTION 5.060.
6. Associations for Physically or Mentally Handicapped Persons.
7. Family Day Care Homes.
8. Nursing Homes and Rest Homes.
9. Retirement Homes and Assisted Living Centers.
10. Orphanages.
11. Governmental Administrative Services.

12. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.
13. Bed and Breakfast Home Residences.
14. Cemeteries.
15. Golf Courses.
16. Health Care Facilities.

D. Uses Prohibited:

Uses not specifically permitted or uses not permitted on approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-4, High-Density Residential District shall comply with the following requirements, except as provided in ARTICLE VI.

1. Minimum Lot Size:

Area - Duplex Dwelling	12,000 sq. ft.
- Two Family Zero-Lot Line Dwelling	12,000 sq. ft.
- Multi-Family Dwelling	15,000 sq. ft.
- Planned Development	10 acres
Area per Family	
- Duplex	6,000 sq. ft.
- Two Family Zero-Lot Line Dwelling	6,000 sq. ft.
- Multi-Family	3,000 sq. ft.
- Planned Development	3,000 sq. ft.
Lot Width at Building Setback Line - Duplex	75 ft./37.5 ft. for zero lot line dwelling
- Multi-Family	75 feet

2. Minimum Yard Requirements:

Front Setback	35 feet
Side - Duplex Dwelling	12 feet
- Multi-Family Dwelling	15 feet
Rear	20 feet
- Duplex Dwelling	20 feet
- Multi-Family Dwelling	30 feet

3. 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.

4. Height Requirements: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.040 or upon approval of Planning Commission, Fire Department, and City Council for approved PUD Projects. *(Amended by Ordinance 381, April 12, 2011)*

5.051.4 R-4, Mixed Density Residential - Planned Unit Development  
(MDR-PUD) District

#### A. District Description

This district is designed to provide suitable areas for mixed density residential development, hereinafter referred to as the R-4 Mixed Density Residential - Planned Unit Development District, is defined as that which is intended for Planned Unit Developments (PUDs) that offer flexibility in housing types, provide extensive open space, and innovative design concepts. Maximum densities permitted for residential development vary according to those delineated in this ordinance. Because of the mix of land uses permitted in the MDR-PUD District, emphasis on insuring the compatibility of MDR-PUD Districts to surrounding areas is achieved by imposing landscaping and screening standards in higher intensities for planned unit developments than for conventional residential developments.

It shall be expressly understood that MDR-PUD District shall be granted as a matter of privilege and not as a matter of right. The MDR-PUD District shall be a design and density alternative. In considering whether MDR-PUD Districts shall be approved, the following shall be taken into consideration:

- (1) Innovative design goals based on the incorporation of community vision, character, design standards, and growth planning.
- (2) Density goals based on housing needs within Cheatham County.
- (3) Sensitivity to surrounding established land use, character, density, and traffic flow.
- (4) Sensitivity to natural and man-made features on the site, such as trees, historic features, topography, and floodplains.
- (5) Other considerations which would render the PR District distinctive and deserving of approval.
- (7) Proximity to high density developments, retail or commercial developments.
- (8) Conditions that apply to this District.

#### B. Uses Permitted

In the R-4 Mixed Density Residential Planned Unit Development (MDR-PUD) District, the following uses and the accessory uses are permitted:

1. Single Family Dwellings
2. Duplex Dwellings



3. Multi-Family Dwellings
4. Customary accessory buildings including private garages and workshops, located in the rear yard not closer than 12 feet from any lot line.
5. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.
6. Essential Public Transport, Communication, Government, and Utility Services.
7. Signs as regulated by the PUD agreement.

C. Uses Permitted by Special Exception

In the R-4 Mixed Density Residential Planned Unit Development (MDR-PUD) District, the following uses and the accessory uses are permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060:

1. Community Assembly Uses.
2. Religious Facilities.
3. Educational Facilities.
4. Cultural and Recreational Services.
5. Golf Courses.
6. Neighborhood Commercial Services.
7. Professional Office.
8. Associations of Physically or Mentally Handicapped Persons.
9. Nursing Homes and Rest Homes.
10. Retirement Homes and Assisted Living Centers.
11. Orphanages
12. Government Administration
13. Cemeteries

D. Uses Prohibited.

Uses not specifically permitted or uses not permitted on approval as a Special Exception.

E. Conditional and Dimensional Regulations. *(Amended by Ordinance 381 April 12, 2011)*

1. No **less** than three (3) out of every ten (10) dwelling units in a Mixed Density Residential Development shall be **single family** dwellings **with the exception of Assisted Living Facilities as noted in a) below.**

**a. Building Ratios for Assisted Living Facilities shall be recommended by the Planning Commission and approved by the City Council based on the highest and best use of the approved PUD site, traffic study, commercial viability, and housing needs analysis.**

2. An exclusively multifamily development shall not be permitted In the R-4 Mixed Density Residential Planned Unit Development
3. Submission of a housing need analysis, traffic impact study, school impact study, and infrastructure need analysis together with the Site Plan.

A Concept Application and Review are required before submission to the Planning Commission.

4. Approved densities shall be determined in reliance on the growth management policies of the Growth Plan, and on the submission and review of items in compliance with 5.051.4 (E) [1] (a) & [3]. *(Amended by Ordinance 381 April 12, 2011)*
6. The planning commission and/or the Mayor and Council are not obligated to grant the maximum density permitted.
7. Minimum Lot Size, Yard Requirements, Lot Coverage:
  - a. As Recommended by the Planning Commission and approved by the Mayor and Council
  - b. R-4 Districts shall reserve not less than thirty (30) percent of the gross acreage as usable common open space.
  - c. Where land is dedicated to the city for public purposes, this land may be included as part of the usable common open space requirement.
  - d. Consult the Ashland City Design Standards, Subdivision Regulations, PUD regulations, and Zoning Book for other requirements.
8. All R-4 projects require an approved, written agreement between the owner/contractor/developer and the Ashland City Council.
9. All R-4 projects are subject to Subdivision Regulations, and RPUD Zoning Regulations where appropriate and not in conflict with R-4 specific regulations.

F. Concept Plan and Rezoning Requests for R-4 Mixed Density Residential Planned Unit Development District

1. Specific information for the District MDR-PUD. In lieu of a preliminary subdivision plat, the applicant shall submit a concept plan concurrently with the rezoning request, which shall be drawn on reproducible material, suitable for making blue line prints, and on one

- (1) or more sheets as dictated by the types of information required:
- a. Name of the development.
  - b. Key map drawn to a scale of one (1) inch equals one thousand (1,000) feet, which shall include streets and corporate limit lines within a one half (0.5) mile radius of the site, and boundaries and number of acres in the drainage basins within which the project will be located.
  - c. Name, address, telephone number, and the signed consent of the owner to the filing of the application. Where the owner is designated as a partnership, corporation, or other business venture, then the names and addresses of all individual parties, officers, directors, and/or beneficial owners holding more than a five-(5) percent interest in the project shall be identified.
  - d. Names, addresses, and telephone numbers of the applicant and the sub-divider, if different than the owner. Where these are designated as a partnership, corporation, or other business venture, then the names and addresses of all individual parties, officers, directors, and/or beneficial owners holding more than a five-(5) percent interest in the project shall be identified.
  - e. Names and addresses of all property owners adjacent to, or across any streets or rivers from, the property as shown on the most recent tax records, including the map, group, and parcel numbers of all adjacent properties, and boundary lines of all adjacent properties shown with dashed lines.
  - f. North point.
  - g. Drawn to a scale of one (1) inch equals one hundred (100) feet, with the scale indicated on the plan. Any other scale shall be approved by the planning department.
  - h. City, county, and state.
  - i. Date.
  - j. Existing zoning and density.
  - k. Names, addresses, telephone numbers, and seals
  - l. of all professional consultants participating in the development.
  - m. The length of the boundaries of the project measured to the nearest foot and the value of all true bearings and angles Existing and proposed land uses of the site and surrounding properties.
  - n. Proposed common open space and buffer areas.
  - o. Floodway (FW) and Floodway Fringe (FF) boundaries, with elevations referenced to, and showing the exact location of, the nearest benchmark.
  - p. Existing topographical features.
  - q. Locations and widths of all existing and proposed street and alley rights-of-way within or adjacent to the proposed project, including total trip generation projected for the development.
  - r. Existing and proposed land use locations:
  - s. Total acreage of all uses, total acreage of each individual use, and acreage of each individual section.

2. Gross density and the gross density of each individual section.
3. Net density and the net density of each individual section.
4. Total number of dwelling units by types and the number of dwelling units by types of each individual section.
5. Overall floor area ratio and the floor area ratio of each individual nonresidential section or lot.
6. Total square footage of each nonresidential building.
7. Types, acres, and locations of common open space and amenities.
8. Lot dimensions to the nearest foot, square feet of each lot, and lot numbers.

- t. A general statement addressing lighting proposed for the development.
- u. A general statement addressing sign controls proposed for the development.
- v. Properties within five hundred (500) feet of the site shall be shown with United States Geological Survey contours.
- w. Topographical map showing existing land contours at two-(2) foot contour intervals, except that, in areas where slopes exceed twenty-five (25) percent, contour intervals may be twenty (20) feet. A reference benchmark shall be clearly designated.
- x. Existing physical features map, including geological formations or structures; watercourses; water bodies; marshes; existing streets and railroads; existing utility easements; and mineral rights.
- y. Areas having extensive tree growth, and those portions to be preserved shall be delimited. In areas where trees will be destroyed, all trees four (4) inches in diameter at breast height (DBH), shall be inventoried and plotted on the concept plan; however, for forested land over two (2) acres, sampling methods may be used if approved by the planning department, provided that specimen trees shall be plotted and inventoried. Tree inventory genus, health condition (poor, fair, or good), size, if it is to remain or to be removed, and contact information for the professional who determined the tree's health. Tree preservation program, with particular emphasis on mature trees.
- z. Soils map, based upon data from the United States Soil Conservation Service, or other acceptable standards.

- aa. Street classification of each street within or adjacent to the development in accordance with intended use based on design, such as local, collector, or arterial, which shall be shown within parentheses next to the existing and proposed street names.
  - bb. Existing structures and buildings, including the exact locations, dimensions, dates of construction, and architectural styles of historical structures and sites, original accesses to historical structures and sites, and proposed plans for all structures, buildings, and sites.
  - cc. A general statement indicating the substance of restrictive covenants, grants of easements, or other restrictions imposed, or to be imposed, upon the uses of the land, buildings, and structures in the development, including proposed easements for utilities and greenbelts.
  - dd. Water and sewer facilities.
10. Existing facilities:
    - a. Utility district jurisdiction.
    - b. Utility district capacity, by gallons per day. Gallons-per-minute flow with static and residual pressures at the nearest fire hydrant.
  11. Proposed facilities:
    - c. Demand in gallons per day.
    - d. General statement regarding projected facilities needs.
    - e. Driving distance to the nearest fire and police facilities.
  12. A statement describing the probable impact of the rezoning on the following:
    - a. Water facilities.
    - b. Sewer facilities.
    - c. Streets as shown on the major thoroughfare plan.
  13. Downstream stormwater infrastructure and stormwater runoff quality and quantity as required by the Stormwater Management Ordinance or Designated Stormwater Authority.
  14. Police, fire, and recreational facilities.
  15. Projected student population increase necessitated by development of the site; if no on-site schools are proposed, then the driving distance to the nearest schools, by type and classroom availability. A statement verifying these figures and confirming the availability of existing facilities shall be obtained from the appropriate school superintendents.
  16. A general statement addressing refuse storage and sanitation collection facilities proposed for the development.
  17. Proposed grading showing vertical intervals at two (2) feet, except that, in areas where existing slopes exceed ten (10) percent, contour intervals shall be ten (10) feet.

18. The applicant shall provide any additional information, as determined by the planning department, necessary to obtain a review by the planning commission and the board of mayor and council.

If the rezoning is disapproved, then the concept plan is void. A concept review and/or rezoning request for any R -4 Mixed Density Residential Planned Unit Development shall provide a development book that includes, but is not limited to, illustrations of elevations and floor plans for dwelling units, nonresidential buildings, and amenities structures, building materials, square footages of structures, street lighting details, and typical streetscapes.

G. Review Process – Action by the Planning Commission and the Board of Mayor and Aldermen:

The planning commission shall recommend approval, approval with conditions, or disapproval of a R-4 Mixed Density Residential Planned Unit Development Project to the board of mayor and Council, which may approve, approve with conditions, or disapprove the project.

Conditional approval may include, but not be limited to, visual and acoustical screening, land use mixes, order of construction, vehicular and pedestrian traffic circulation systems, availability and reservation of sites for public services including fire protection facilities, educational and cultural institutions, protection of natural resources and sites, off-site improvements, infrastructure needs, design standards and materials, and other conditions for which provision should be made.

5.051.5. R-5, High-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for high density residential developments where sufficient urban infrastructure is available, or will be made available prior to development. This district is characterized by residential structures such as mobile homes situated on individual zone lots, as well as by mobile home parks developed at higher densities. Within such parks, individual mobile homes are developed for rental purposes on sites containing at least two (2) acres. Specific design standards are cited therewith, in Section 4.080, in order to achieve quality developments, as well as to protect property values within the district. This district is intended also to permit community facility and public utility facilities and services which are necessary to specifically service the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential environment, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

In the R-5, High-Density Residential District, the following uses and their accessory uses are permitted:

1. Mobile homes on single lots.
2. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than eight (8) feet to any lot line.
3. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.
4. Essential Public Transport, Communication, Government, and Utility Services.
5. Signs as regulated by City Sign Ordinance.

C. Uses Permitted as Special Exceptions:

In the R-5, High-Density Residential District, the following uses may be permitted as special exceptions after review and approval in accordance with the provisions cited in ARTICLE VII, SECTION 7.060.

1. Community Assembly Uses.
2. Religious Facilities
3. Educational Facilities.
4. Cultural and Recreation Services.
5. Mobile home parks as regulated in ARTICLE IV, SECTION 4.080.
6. Associations for Physically or Mentally Handicapped Persons.
7. Nursing Homes and Rest Homes.
8. Retirement Homes and Assisted Living Centers.
9. Orphanages.
10. Governmental Administrative Services.
11. Radio and television towers and transmission facilities, and water and sewage treatment plants and water storage facilities.
12. Cemeteries.
13. Golf Courses.

D. Uses Prohibited:

Uses not specifically permitted ,or uses not permitted on approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the R-5, High-Density Residential District shall comply with the following requirements except as provided in ARTICLE VI.



1. Minimum Lot Size:

Area - Mobile Home on Single Lot	10,000 sq. ft.
- Mobile Home Park	2 acres
Area per Family - Mobile Home on Single Lot	10,000 sq. ft.
- Mobile Home Park	
Single-Wide Unit	4,000 sq. ft.
Double-Wide Unit	6,400 sq. ft.
Lot Width at Building Setback Line - Mobile Home on Single Lot	70 ft.
- Mobile Home Park	N/A, See Section 4.080, of Article IV, for Applicable Standards

2. Minimum Yard Requirements:

Front Setback	
- Lot	Mobile Home on Single 35 feet
- Single Mobile Home Within Mobile Home Park	Mobile Home Park 30 feet 10 feet
Side	
- Lot	Mobile Home on Single 10 feet
- Single Mobile Home Within Mobile Home Park	Mobile Home Park 15 (30*) feet 10 feet
Rear	
- Lot	Mobile Home on Single 20 feet
- Single Mobile Home Within Mobile Home Park	Mobile Home Park 15 (30*) feet 10 feet

3. Maximum Lot Coverage:

- Mobile Home on Single Lot: On any lot or parcel of land, the area occupied by buildings or structures, including accessory structures, may not exceed forty (40) percent of the total area of such lot or parcel.
- Mobile Home Parks: See Standards Cited in Article IV, Section 4.080.

4. Height Requirements:

Mobile Home on Single Lot: No structure shall exceed thirty (30) feet in height.

Mobile Home Parks: No building, structure, or mobile home shall be erected or placed within any mobile home park having a height greater than thirty (30) feet.

5.052. Commercial Districts. The Commercial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the general welfare. These goals include, among others, the following:

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
4. To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of Ashland City, and in particular the need for medical services, and the needs of the general public traveling along major highways.
5. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials for both types of land uses.
6. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
7. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for a high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
8. To promote the most desirable use of land and direction of building development in accordance with a well considered plan, to promote stability of commercial development, to strengthen the economic districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Ashland City's tax revenues.

5.052.1 C-1, Central Business District

A. District Description:

This district is designed to provide for a wide range of retail, office, amusement, and service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utility services necessary to serve the district, or which are required for the general community welfare. These regulations are structured to permit maximum freedom of pedestrian movement. Relatively high density and intensity of use is permitted in this district.

B. Uses Permitted:

In the C -1, Central Business District, the following uses and their accessory uses are permitted:

1. Governmental administrative services.
2. Community assembly uses.
3. Automotive parking facilities.
4. Convenience retail sales and services.
5. Consumer repair services.
6. Entertainment and amusement services.
7. Financial, insurance, real estate, and consulting services.
8. Food and beverage services.
9. General business services.
10. General personal services.
11. General retail trade uses.
12. Professional services - medical.
13. Professional services - nonmedical.
14. Transient habitation excluding sporting and recreational (motor) vehicle camps.
15. Vehicular, marine craft, aircraft, and related equipment sales, rental and delivery; excluding aircraft dealers, boat dealers, and recreational and utility trailer dealers.
16. Signs as regulated by City Sign Ordinance.
17. Essential public transport, communication, and utility services.
18. Health care facilities.

19. Art galleries.
20. Libraries.
21. Museums.
22. Recreational centers and gymnasiums (public-non-profit).

C. Uses Permitted as Special Exceptions: *(Amended by Ordinance 319, July 11, 2006, Deleted 4) (Added C,4. by Ordinance 374, October 12, 2010)*

In the C-1, Central Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060:

1. Limited manufacturing conducted in completely enclosed buildings.
2. Planned Developments as regulated in ARTICLE V, SECTION 5.060.
3. Upper story residential dwelling as per the standard cited in Section E, 6, below, as well as the requirements cited in ARTICLE VII, SECTION 7.060.C.9.
4. **Auction and Consignment sales, provided:**
  - a. **Off-street parking area is clearly separated from the sales area.**
  - b. **Ingress and egress to the parking areas is directly to arterial or collector streets.**
  - c. **Additional requirements for hours of operation, parking, lighting, landscape, storage and sale of goods, will be determined by the Ashland City Regional Planning Commission and forwarded to the Ashland City Board of Zoning Appeals before consideration of an application for Special Exception.**
  - d. **Site, parking, landscape, and signage plans are required for submission to the Ashland City Regional Planning Commission upon approval of Special Exception by the Board of Zoning Appeals.**

D. Uses Prohibited:

Industrial uses; warehousing and storage uses; except those which are located within and incidental to permitted uses; automobile wrecking, junk, and salvage yards; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the C-1, Central Business District shall comply with the following requirements except as provided in ARTICLE VI:

1. Minimum Lot Size: No minimum lot size shall be required in the C-1 District.
2. Minimum Yard Requirements: Front yard - 25 feet. If a building or buildings on an adjacent lot or lots provide front yards less than 20 feet in depth, a front yard equal to the average of adjacent front yards shall be provided. Rear yard - 20 feet. Side yard - none is required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.
3. Maximum Lot Coverage: There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.
4. Height Requirements: The maximum height of all buildings located in the C-1 District shall be established as follows, except as provided in ARTICLE VI, SECTION 6.040:
  - a. The maximum building height at the street line shall be three (3) stories or forty (40) feet.
  - b. For each foot the building is setback from the street line, the height of the building may be increased by 1.5 feet to a maximum height of sixty (60) feet, only if said building contains an on-site water storage tank, or some other type of acceptable fire protective device as approved by the town fire department.
5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.
6. Minimum Floor Area - Upper Story Residential Dwelling: The minimum floor area for an upper story residential dwelling unit shall be five hundred (500) square feet.

5.052.2 C-2 Highway Service District.

A. District Description:

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or those which are necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense uses of land or buildings in proximate residential districts. Appropriate locations for these districts are along major traffic arteries. Such districts should be situated near major transportation interchanges in clustered developments patterns, and not patterns of striped commercial development extending in a continuous manner along such major traffic arteries.

B. Uses Permitted:

All uses permitted in the C-1 District are allowed in this district as well as the following uses:

1. Governmental administrative services.
2. Cultural and recreational services.
3. Essential public transport, communication, and utility services.
4. Automotive service and repair uses.
5. Building materials and farm equipment sales, provided there is no outdoor storage, with the exception of farm equipment vehicles.
6. Contract construction services provided there is no outdoor storage.
7. Convenience retail sales and services uses.
8. Consumer repair services.
9. Entertainment and amusement services.
10. Financial, insurance, real estate, and consulting services.
11. Food and beverage services.
12. Food service uses; take out.

13. Animal care and veterinarian services provided there is no outside housing of animals.
14. General business services.
15. General personal services.
16. General retail trade uses.
17. Professional services - medical.
18. Professional services – non-medical.
19. Transient habitation: hotels, motels, tourist homes or courts.
20. Vehicular, marine craft, aircraft, and related equipment sales, rental and delivery uses.
21. Limited manufacturing conducted in completely enclosed building.
22. Religious facilities.
23. Education facilities.
24. Wholesale sales provided there is less than fifty (50) percent of the total on-site square footage utilized as storage, and no outdoor storage.
25. Signs as regulated by City Sign Ordinance.
26. Community assembly facilities.
27. Health care facilities.
28. Intermediate impact facilities.
29. Day care Centers.
30. Special personal and group care facilities.
31. Nursing homes.
32. Mobile home, manufactured home, and modular home sales lot

C. Uses Permitted as Special Exceptions:

In the C-2, Highway Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Transient habitation: Sporting and recreational vehicle camps.
2. Planned developments as regulated in ARTICLE V, SECTION 5.060.
3. Group assembly uses, other than race tracks and drag strips.
4. Mini-warehouses containing inside storage only as regulated in ARTICLE IV, SECTION 4.120 and ARTICLE VII, SECTION 7.060.
5. Indoor firearms training facilities. **(Amended by Ordinance 319, July 11, 2006, Deleted 5, and Renumbered 6 to 5 and 7 to 6)**
6. Plant and forest nurseries.

D. Uses Prohibited:

Industrial uses; warehousing and storage uses; with the exception of mini-warehousing containing inside storage and industrial uses; except those which are located within and incidental to permitted uses; truck terminals; junkyard, including automobile wrecking and salvage; uses not specifically permitted, or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the C-2, Highway Service District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: \_\_\_\_\_ 20,000 square feet.
- a.* Lot Dimensions for parcels located within the C-2 Zone where existing city public water and sewer mains are accessible on the subject property, direct access to existing major highway corridors, and land area exists to comply with zoning, subdivision, parking, stormwater, and site plan requirements may be reduced in size to 15,000 sq. ft. provided that the Regional Planning Commission and all appropriate City Departments shall have approved the proposed development plan. **(Added by Ordinance 378, February 8, 2011)**



2. Minimum Yard Requirements:

Front Setback -	Thirty-five (35) feet
Side -	Fifteen (15) feet
Rear -	Twenty (20) feet

3. Maximum Lot Coverage: On any area or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed seventy (70) percent of the total area of such lot or parcel.

4. Height Requirements: No building shall exceed forty (40) feet in height, except as provided in ARTICLE VI, SECTION 6.040.

5. Parking Space Requirement: As regulated in ARTICLE IV, SECTION 4.010.

5.052.3 C-3, Neighborhood Service Business District

A. District Description:

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. These districts are characteristically small, and are distributed widely for convenient accessibility by residential area occupants. They should adjoin collector or arterial streets. Bulk regulations are established within these districts to provide for maximum compatibility between the commercial activity in these districts and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

B. Uses Permitted:

In the C-3, Neighborhood Service Business District, the following uses and their accessory uses are permitted:

1. Generally recognized retail business which supply commodities on the premises for persons residing in adjacent residential areas, such as mini-markets, small groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware.
2. Personal service establishments which perform services on the premises such as repair shops (radio, television, shoe, etc.), beauty parlors or barbershops, and self-service laundries.
3. Signs as regulated by City Sign Ordinance.
4. Essential public transport, communication, and utility services.

5. C. Uses Permitted as Special Exceptions:

No uses shall be permitted as special exceptions in the C-3 District.

D. Uses Prohibited:

In the C-3, Neighborhood Service Business District, all uses, except those uses or their accessory uses specifically permitted are prohibited, including retail liquor and package stores.

E. Dimensional Regulations:

All uses permitted in the C-3, Neighborhood Service Business District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: The minimum lot size in the C-3 District shall be 10,000 square feet.

2. Minimum Yard Requirements:

Front Setback	30 feet
Side	20 feet
Rear	20 feet

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed sixty (60) percent of the total lot area of such lot or parcel.

4. Height Requirements: Buildings shall not exceed thirty-five (35) feet in height except as provided in Article VI, Section 6.040.

5.052.4 P-O, Professional and Office District.

A. District Description:

This district is designed to provide adequate space in appropriate locations suitable for accommodating the population needs of medical, personal services, are uses broadly ancillary thereto; and to provide for financial services as well as professional offices. In addition, limited commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting this district.

Community facilities and utilities necessary to serve this district, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in this district, in part, are designed to maximize compatibility with lesser intense use of land or building in proximity residential districts.

B. Uses Permitted:

In the P-O, Professional and Office District, the following uses and their accessory uses are permitted.

1. Financial, insurance, real estate, and consulting services.
2. General personal services.
3. Professional services - medical.
4. Professional services - nonmedical.
5. Signs as regulated by city ordinance.
6. Health care facilities.
7. Essential public transport, communication, and utility services.
8. C. Uses Permitted as Special Exceptions:

In the P-O, Professional and Office District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Restaurant, designed for on-premises consumption within a principal structure.
2. Planned developments as regulated in ARTICLE V, SECTION 5.060.
3. Animal care and veterinarian services, provided there is no outside housing of animals.

D. Uses Prohibited:

Outdoor storage of goods or materials or equipment; warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the P-O, Professional and Office District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: 20,000 sq. ft.
2. Minimum Yard Requirements:

Front Setback	35 feet
Side	20 feet
Rear	25 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total area of such lot or parcel.
4. Height Requirements: No buildings shall exceed forty (40) feet in height, except as provided in ARTICLE VI, SECTION 6.040. In no case shall F.A.A. glide path building height restrictions be exceeded.
5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.052.5 MR-PO Multiple Residential Professional and Office District

A. District Description

This class of district is intended to provide adequate and suitable space in appropriate locations for medium to high-density residential uses and for medical and personal services, including limited commercial uses that are mutually compatible. Commercial uses, having a minimum of characteristics objectionable to residential uses, are permitted. In addition, use of buildings and land is permitted for community welfare. This class of district is appropriately located between districts characterized by lower density residential development and areas of more intensive commercial use, or extensions along major traffic arteries from areas used for more intensive commercial purposes.

B. Principal Permitted Uses and Structures

Within the MR-PO Districts as shown on the Official Zoning Map, the following activities, as described in Article II, are permitted: (All permitted uses may be combined on any zone lot subject to planning commission concurrence including compliance with all other restrictions within this ordinance.)

- Residential Activities--Permanent Dwelling, Single Family Detached
- Dwelling, Duplex
- Dwelling, Zero lot line
- Dwelling, Multi-Family
- Community Facility Activities
  - Administrative
  - Community Assembly
  - Community Education
  - Cultural and Recreation Services
  - Essential Public Transport, Communication and Utility Service

Personal and Group Care Facilities  
Religious Facilities  
Commercial Activities  
Entertainment and Amusement Services -- limited to riding stables, art galleries, indoor recording and TV production studios  
Financial, Insurance, Real Estate, and Consultive Services  
Food and Beverage Services (excluding convenience stores that sell gasoline)  
General Business Services excluding motor vehicle rental or leasing  
General Personal Services  
Professional Services---Medical and Non Medical

C. Permitted Accessory Uses and Structures

Signs as regulated by the City Sign Ordinance.

Accessory off-street parking and loading facilities as required in Article 4.010.

Recreational uses associated with and maintained primarily for the uses permitted above and for the benefit and use of the occupants.

Accessory facilities and buildings customarily incidental and appurtenant to a permitted use provided that such accessory facilities and buildings are carried out on the same premises and are not otherwise prohibited.

D. Uses Permitted As Special Exceptions

Bed and Breakfast Home Residences as regulated under Section 7.061.16.

Animal Care and Veterinarian Services provided there is no outside housing of animals.

E. Prohibited Uses and Structures

Any use or structure not of a nature specifically permitted herein is prohibited.

F. Bulk Regulations

Maximum Lot Coverage	60 percent for all buildings
Maximum Building Height	40 feet except as provided in Article VI, Section 6.050.
Minimum Building Setback	Front--35 feet Side----20 feet Rear---25 feet
Minimum Development Area Per Dwelling Unit	4,000 square feet
Minimum Lot Area	20,000 square feet
Multi-Family and Multi-Use Minimum Lot Area	25,000 square feet

G. Required Yard Area Regulations

Minimum Front Yard	10 feet
Minimum Side Yard	12 feet
Minimum Rear Yard	10 feet

H. Use of Required Yard Areas

The following uses may be made of yard areas, provided such uses are otherwise permissible in this district.

Landscaping as required in Article 3.130.

All required yard areas not occupied by driveways, and sidewalks shall be devoted to landscaping.

Driveways

Sidewalks

I. Other Requirements

- (1) Exterior storage of goods and materials of any kind is prohibited. The placement of waste disposal facilities shall be in the rear of building with the exception of temporary placement of garbage cans for city pick-up.

- (2) In the event that any permitted uses other than residential should occupy a house, no change shall be made in the exterior appearance or architecture of the building except as may be required for public safety and as specified by the building officials.
- (3) On all commercial sites, any operation producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of one half (.5) foot candle when measured on the property line of an adjacent residential use.

5.053. Industrial Districts. The Industrial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations to meet the needs of the area of Ashland City's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, providing for the appropriate space needs of such distributive and industrial activities.
3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by limiting such development to areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
5. To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land and direction of building development, to promote the stability of the industrial base and related development, to strengthen the economic base of the Ashland City area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Ashland City's tax revenues.

5.053. 1 I-1, Light Industrial District:

A. District Description:

This district is primarily designed to accommodate existing industrial areas within the community that are relatively limited in their amount of developable acreage, due to the pre-existing layout of streets and blocks within such areas. Within this district therefore, the necessary yard requirements are less restrictive than those cited within the I-2 and I-3, Industrial Districts. The I-1 District is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other more intensive industrial uses which involve more objectionable nuisances. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial developments are permitted.

B. Uses Permitted:

In the I-1, Light Industrial District, the following uses and accessory uses are permitted:

1. Warehousing goods transport and storage.
2. Wholesale sales facilities.
3. Limited manufacturing uses.
4. Intermediate manufacturing uses.
5. Aircraft dealers.
6. Animal care and veterinary services.
7. Agricultural activities.
8. Essential public transport, communication, and utility services.
9. Signs as regulated by City Sign Ordinance.
10. Plant and forest nurseries.
11. Building materials and farm equipment sales.
12. Dairies and truck gardens.



C. Uses Permitted as Special Exceptions:

In the I-1, Light 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 7.060.

1. Group assembly uses, other than race tracks (auto, motorcycle, dog, and horse), and drag strips.
2. Food and beverage service facilities.
3. Food service take-out facilities.
4. Commercial recreation uses.
5. Contract construction services.
6. Consumer repair services.
7. Intermediate impact facilities.
8. Government administrative services.
9. Planned developments as regulated in ARTICLE V, SECTION 5.060.
10. Drug and Alcohol Rehabilitation Facilities.
11. Substance Control Centers.
12. Mini-Warehouse Facilities.

D. Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exceptions.

E. Dimensional Regulations:

All uses permitted in the I-1, Light Industrial District shall comply with the following requirements except as provided in ARTICLE VI:

1. Minimum Lot Size: No minimum lot size is required in the I-1 District.
2. Minimum Yard Requirements:

Front Yard	40 feet
Side Yard	25 feet
Rear Yard	30 feet

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total lot area of such lot or parcel.

4. Height Requirements: No building shall exceed forty (40) feet in height, unless on-site water storage facilities or other acceptable fire fighting equipment is approved by the town's fire department. If approved, buildings may attain to fifty (50) feet in height, except as provided in Article VI, Section 6.040.

5. Parking Space Requirements: As regulated in Article IV, Section 4.010.

#### 5.053.2 I-2, Light Industrial District.

##### A. District Description:

This district like the I-1 District is designed for a wide range of industrial and related uses which conform to a relatively high level of performance standards. **Industrial establishments of this type, within completely enclosed buildings,** provide a buffer between Commercial Districts and other industrial uses which involve more objectionable influences. New residential developments are excluded from this district, both to protect residences from an undesirable environment, and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial developments are permitted.

##### B. Uses Permitted:

In the **I-2, Light Industrial District,** the following uses and their accessory uses are permitted:

1. Warehousing, goods transport and storage uses.
2. Wholesale sales facilities.
3. **Limited manufacturing facilities.**
4. **Intermediate manufacturing facilities.**
5. Aircraft dealers.
6. Animal care and veterinary services.
7. Agricultural services.
8. Essential public transport, communication, and utility services.
9. Signs as regulated by City Sign Ordinance.
10. Plant and forest nurseries.
11. Building materials and farm equipment sales facilities.
12. Dairies and truck gardens.
13. Mini-Warehouse Facilities.

C. Uses Permitted as Special Exceptions:

1. Group assembly uses, other than race tracks (auto, motorcycle, dog, and horse), and drag strips.
2. Food and beverage service facilities.
3. Food service take-out facilities.
4. Commercial recreation facilities.
5. Contract construction services.
6. Consumer repair services.
7. Intermediate impact facilities.
8. Government administrative services.
9. Adult oriented business establishments subject to the supplemental requirements cited in ARTICLE VII, SECTION 7.060. **(Added by Ordinance 319, July 11, 2006, Renumbering 9 to 10, 10 to 11, 11 to 12)**
10. Planned developments as regulated in ARTICLE V, SECTION 5.060.
11. Outdoor Firearms Training Facilities.
12. Special institutional care facilities.

D. Uses Prohibited:

Uses not specifically permitted, or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the I-2, Light Industrial District shall comply with the following requirements except as provided in ARTICLE VI:

1. Minimum Lot Size: No minimum lot size is required in the I-2 District.
2. Minimum Yard Requirements:

Front Yard	60 feet
Side Yard	30 feet
Rear Yard	35 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total lot area of such lot or parcel.

4. Height Requirements: No building shall exceed forty (40) feet in height, unless on-site water storage facilities or other acceptable fire fighting equipment is approved by the town's fire department. If approved, buildings may attain to sixty (60) feet in height, except as provided in Article VI, Section 6.040.

5. Parking Space Requirements: As regulated in Article IV, Section 4.010.

5.053.3 I-3, Heavy Industrial District.

A. District Description:

This district is designed to accommodate industrial uses which involve more objectionable influences and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the Ashland City area. No new residential developments are permitted within this district, thereby insuring protection of such developments from an undesirable environment, while at the same time ensuring adequate acreage tracts for industrial activities.

B. Uses Permitted:

In the I-3, Heavy Industrial District, the following uses and their accessory uses are permitted:

1. All uses that are permitted outright in the I-1 and I-2, Light Industrial Districts.
2. Extensive manufacturing facilities, with the exception of ordinance and accessories manufacturing and junk yard.
3. Signs as regulated by City Sign Ordinance.
4. Farm equipment and supplies.
5. Feed milling and sales facilities.
6. Lumber and other building material dealers.
7. Seed and storage sales.
8. Building materials and farm equipment sales facilities.

C. Uses Permitted as Special Exceptions:

In the I-3, Heavy 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 7.060.

1. Group assembly activities, other than schools for profit, colleges and universities, technical and trade schools, commercial resorts, and commercial camp grounds.
2. Outdoor storage materials to be used in manufacturing.
3. Planned developments as regulated in ARTICLE V, SECTION 5.060.
4. Mining and quarrying uses.
5. Feed lots and stock yards.
6. Ordinance and accessories manufacturing facilities.
7. Wrecking, junk, and/or salvage yards.
8. Automotive wrecking yards.
9. Raising of plants, animals, and fish, with the exception of farms.
10. Feed lots and stockyards.
11. Special institutional care facilities.
12. Extensive impact facilities.
- 13. Propane storage, refueling and tank customer storage (*added by ord. 360*)**

**D. Uses Prohibited:**

Uses not specifically permitted or uses not permitted upon approval as a special exception.

**E. Dimensional Regulations:**

All uses permitted in the I -3, Heavy Industrial District shall comply with the following requirements except as provided in ARTICLE VI

1. Minimum Lot Size: No minimum lot size is required in the I-3\_District.

2. Minimum Yard Requirements:

Front Setback	100 feet
Side	50 feet
Rear	50 feet

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.

4. Height Requirements: Buildings shall not exceed forty (40) feet in height, unless on-site water storage facilities or other acceptable fire fighting equipment is approved by the town's fire department. If approved, buildings may attain to sixty (60) feet in height, except as provided in Article VI, Section 6.040.

5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.054. Historic District. It is the intent of this district to preserve the historic sites and structures of the Town of Ashland City. The requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote the education and patriotic heritage of the present and future citizens of the community.

**(Deleted Subsection 5.054, Floodway District, and Renumbered Subsection 5.055, Historic District to 5.054, by Ordinance 329, January 9, 2007)**

5.054.1 H-1, Historic District:

A. Regulations Established.

In order to achieve the intent of the H-1, Historic District, the following regulations shall apply:

1. Any use permitted by the existing zoning classification is also permitted by the H-1, Historic District.
2. The H-1 District classification may be superimposed as an overlay zone in addition to the existing zoning classification where the following criteria shall be determined to exist by the Historic District Commission.

The quality of significance in American History, architecture, archeology, and culture is present in districts, sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- a. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. that are associated with the lives of persons significant in our past; or
- c. that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a matter, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. that have yielded, or may be likely to yield, archaeological information.

B. Administration

1. No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the H-1 District shall be issued by the Building Inspector until it is submitted to and receives approval in writing by the Historical District Commission.
2. Administration shall be by the office of the Building Inspector and the Historical District Commission and all items regulated within the H-1 District shall be submitted to the Historical District Commission (through the office of the Building Inspector) for its review.
3. Building Permit Required.

All alterations, additions, or new construction which, previous to the establishment of this H-1 District, required that application be made for a Building Permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition it shall be required that application be made in the same manner for any work, including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.

4. It shall be the responsibility of the Historic District Commission to prepare and submit to the Ashland City Council design review guidelines which shall be used by the Historical District Commission in the consideration of any application for certificate of appropriateness applied for under this ordinance. No application may be considered by the Historic District Commission until such time as said guidelines have received approval of the City Council.

5. Building Permit Procedures

- (a) Applications for building permits within the H-1 District shall be made to the office of the Building Inspector and all such applications shall be referred directly to the Historic District Commission. The Historic District Commission shall have broad powers to request detailed construction plans and related data pertinent to a thorough review of any application.
- (b) Upon receiving an application for a Building Permit the Historic District Commission shall, within thirty (30) days following the availability of sufficient data, issue to the office of the Building Inspector a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.
- (c) The office of the Building Inspector shall additionally review applications for Building Permits (which have received written approval from the Historic District Commission) in

the same manner review is made of Building Permit applications outside of the H- 1 District, and final issuance or rejection shall additionally be based upon the requirements of the basis zoning district, as well as the adopted Building Codes of the Town of Ashland City. The fee charged for Building Permits within the H-1 District shall conform to existing fee schedules for Building Permits, as utilized in any other zoning district within the Town of Ashland City.

C. Historic District Commission

1. Creation and Appointment

In accordance with Tennessee Code Annotated, 13-7-401, a Historic District Commission is hereby established. The Mayor and City Council shall create a five (5) member Historic District Commission which shall consist of a representative of a local patriotic or historical organization; an architect, if available; a member of the Planning Commission, at the time of his appointment; and the remaining members shall be appointed from the community in general. Historic District Commission members shall be appointed by the Mayor, subject to confirmation by the City Council. Appointments to membership on the Historic District Commission shall be arranged so that the term of one member shall expire each year and his successor shall be appointed in the like manner in terms of five (5) years. All members shall serve without compensation. The members of the Commission shall elect a Chairman from among themselves to preside over meetings.

2. Procedure

Meetings of the Historic District Commission shall be held at the call of the Chairman or by the majority of the membership. All meetings of the Commission shall be open to the public. The Commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this ordinance, by publication in an official newspaper or a newspaper of general circulation at least seven (7) days immediately prior thereto. At least four (4) members of the Commission shall constitute a quorum for the transaction of its business. The concurring vote of three (3) members of the Commission shall constitute final action of the Commission on any matter before it. The Commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.

3. Powers and Duties

The Historic District Commission shall have the following powers:

- (a) To request detailed construction plans and related data pertinent to thorough review of any proposal before the Commission.



- (b) The Historic District Commission shall within thirty (30) days following availability of sufficient data, direct the granting of a building permit with or without conditions, or direct the refusal of a building permit providing the grounds for refusal are stated in writing.
- (c) Upon review of the application for a building permit, the Historic District Commission shall give prime consideration to:
  - (1) historic and/or architectural value of present structure;
  - (2) the relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
  - (3) the general compatibility of exterior design, arrangement, texture and materials proposed to be used;
  - (4) to any other factor, including aesthetic, which is deemed pertinent.
- (d) Additional powers and duties:
  - (1) It shall be the duty of the Historic District Commission to make the following determination with respect to the historic district;
    - i. Appropriateness of altering or demolishing any building or structure within the Historic District. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc. shall be at the expense of the applicant.
    - ii. Appropriateness of the exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the Historic District.
    - iii. Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.

- iv. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right -of- way, which might affect the character of any building or structure within the historic district.
- v. The general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Historic District Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

(2) Right of Entry upon Land

The Commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance, but there shall be no right of entry into any building without the consent of the owner.

(3) Liability of Historic District Commission Members

Any Historic District Commission member acting within the powers granted by the ordinance is relieved from all personal liability for any damage and shall be held harmless by the city government. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the city government until the termination of the procedure.

(4) Jurisdiction

The Historic District Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgment of the Commission may have said order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in the Tennessee Code Annotated, Sections 27-9- 102 and 27-4-103.

(5) Conflict of Interest

Any member of the Historic District Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said Commission shall be disqualified from participation in the discussion, decision, or proceedings of the Historic District Commission in connection therewith.

D. Maintenance and Repair of Improvements

Every person in charge of an improvement in a historic district shall keep in good repair all of the exterior portions of such improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair.

E. Remediating of Dangerous Conditions

In any case where a city enforcement agency shall order or direct the construction, removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this chapter shall be construed as making it unlawful for any person, without prior issuance of a letter of approval pursuant to this ordinance, to comply with such order of direction. However, the enforcement agency shall give the Commission notice of any proposed order or direction which affects or may affect the exterior appearance of any structure, or site, on or in the environs of a historic district. The Commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a historic district prior to the initiation of any said action.

F. Injunctive Powers and Penalties

- (1) Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens or is about to do or is doing any work in violation of the ordinance, the City Attorney for the Town of Ashland City shall, when directed by the Mayor or City Council, forthwith apply to an appropriate court for an injunction against such violation of this ordinance. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the City Attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.
- (2) A violation of this ordinance is punishable by a fine of not less than two dollars (\$2.00) and not exceeding fifty dollars (\$50.00) or by imprisonment not exceeding ninety (90) days, or by both such fines and imprisonment. Every day of violation may be held to constitute a separate offense.

5.060. Special overlay district description and purpose. These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use, and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof. **(Added Sections 5.060-5.100, by Ordinance 303, May 10, 2005)**

Planned Unit Development Overlay Districts may overlay any of the following residential and commercial districts:

R-1	C-1
R-2	C-2
R-3	
R-4	

When a Planned Unit Development Overlay District is proposed, permitted uses and density calculations are taken from the underlying base district. However, minimum lot sizes, yards and other dimensional requirements shall be designated by the regulations of the given planned unit development.

#### 5.070 General Provisions

A. Master Plan Required. No application for PUD Zoning shall be considered unless a master plan meeting the requirements set forth in this ordinance.

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

C. Relationship to Subdivision Regulations. The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility right-of-ways, curbs, and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications may be incorporated only with the approval of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval of the master plan by the Planning Commission.

D. Development Period, Staging Schedule. The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

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

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

1. In a residential planned unit development, the ratio of gross floor area of commercial activity to residential activity in the plan as initially approved or amended shall not be exceeded at any given stage of construction.
  2. Each stage be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the PUD or its surroundings at any stage of the development.
- E. Common Open Space, and Facilities. Any common open space or public facilities shall be subject to the following provisions:
1. The location, shape, size, and character of common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
  2. Common open space just be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
  3. The Planning Commission may require that the landowner provide for and establish and 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 scale 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 by approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.
  4. In the event that the organization established to own and maintain the common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the Building Inspector may serve written notice upon such organization an/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 Building Inspector shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Building Inspector determines that the organization is not prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.
  5. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space, and shall become a lien on said properties.

6. If the common open space is deeded to a Homeowners' Association, a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:
- a. The Homeowners' Association must be established.
  - b. Membership must be mandatory for each home buyer and any successive buyer.
  - c. The open space restrictions must be permanent, not just for a period of years.
  - d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
  - e. Homeowners must pay their prorata share of the cost and the assessment levied by the association can become a lien on the property.
  - f. The association must be able to adjust the assessment to meet changing needs.
  - g. The Municipal-Regional Planning Commission and the Board may, as a condition of approval in accordance with the master development plan, require that suitable areas for streets, public right-of-ways, schools, parks, or other public areas be set aside, improved, and/or dedicated for public use.

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

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

1. The preliminary master plan for the proposed planned unit development shall be a general concept which shall include such items as the Planning Commission by general rule shall specify in order to disclose:
  - a. The location and size of the area involved;
  - b. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas;
  - c. Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units;
  - d. Estimated population and density and extent of activities to be allocated to parts of the project;

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

B. Zoning Amendment. After review of the preliminary master plan, the Planning Commission shall make recommendations on the amendment to the Board reclassifying the proposed PUD to the appropriate planned unit development overlay district. The request for the zoning amendment submitted to the Board will include the recommended preliminary master plan. A zoning amendment to increase density for residential districts will coincide with the zoning request for a planned unit development overlay district. For example, R-1 property may be rezoned to an R-3, PUD Overlay District, in a single action. If the Board approves the amendment, the landowner may submit a final master plan to the Planning Commission, and the Planning Commission is authorized to proceed with all future details of the project.

C. Application for Final Approval. Upon approval of the preliminary master plan and accompanying zone change, the landowner may make application to the Planning Commission for final approval, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the Planning Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission ordinance of preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall also be submitted. When appropriate, this application shall contain the stated development schedule.

D. Final Approval of Stages. The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large planned unit development, in compliance with Section 5.070, D, above.

E. Final Master Development Plan of a Planned Unit Development. The final master plan of a PUD for the entire development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master development plan receiving preliminary approval plus the following:

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

F. Amendments to the Planned Unit Development. The terms, conditions, and the final master development plan of a PUD may be changed from time to time by official action of the Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following:

The landowner, the residents and/or owners of or in the PUD may apply to the Planning Commission for an amendment to the master development 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 nor any adjoining properties. Minor changes in the location, siting, and height of the buildings may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Major changes, as determined by the planning commission, such as changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other major change must be forwarded to the board after the planning commission has made its recommendations.

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

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

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

I. Zoning Considerations. When an area is submitted for PUD approval, the Planning Commission in its deliberations shall consider the character of the proposed development in relationship to the surrounding area. No such development shall be approved where the streets providing access cannot handle the additional traffic load nor where the water system is incapable of meeting the fire flow requirements.



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

5.090 RPUD, Residential planned unit development districts

A. Permitted Uses. Within an approved RPUD overlay district, the following uses and their accessory structures shall be taken from the underlying base district.

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

All such commercial areas shall meet the following additional requirements:

1. Access from public streets shall be from arterial or collector streets as shown on the most recent major road plan;
2. The building design shall be compatible with the remainder of the RPUD;
3. No outside storage shall be permitted, and trash disposal facilities shall be completely enclosed by walls or materials that compliment all other buildings.
4. Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained at a minimum of fifteen (15) feet wide which shall not be used for parking and with only driveways crossing said yard. Permanently landscaped side and rear yards at least ten (10) feet side shall also be maintained.
5. All signs advertising the nature or names of the businesses shall be constructed flat against the walls of the building and shall not extend above or beyond any wall of the building. One such sign shall be permitted for each business located therein provided further that such sign shall not exceed thirty (30) square feet in size. All signs shall be either nonilluminated or any lighting must be indirect. Portable signs of any kind are prohibited.
6. Any loading service area shall be in the rear of the building.
7. The Planning Commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.

C. Dimensional Requirement. All RPUDs shall comply with the following areas regulations:

1. Minimum Size  
Five (5) acres.

2. Front Yard

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

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

4. Other Yard Requirements . Within the boundary of the RPUD, no yard\_requirements are established. The Planning Commission shall specify internal yards as part of the approval of the final master development plan based upon the type of buildings and nature of the RPUD.

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

6. Maximum Height of Buildings. No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.040.

D. Density of Development. The maximum overall density shall be specified in terms of the\_number of the dwelling units per gross acres of the acreage of the entire development. The maximum density are taken from the underlying base district and shall be as follows:

**MAXIMUM DENSITY  
(DWELLING UNITS PER GROSS ACRE)**

	RPUD Containing Only Single-Family Detached Dwellings	RPUD Containing Duplex Dwellings	RPUD Containing Multi-Family Dwellings
R-1	2.90	NA	NA
R-2	3.63	NA	NA
R-3	4.35	5.81	8.71
R-4	NA	7.26	14.52

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

1. Internal Streets. Within any RPUD, streets may be public or private. Streets may\_be privately constructed and maintained either by the landowner/developer or deeded to the Homeowners' Associations. Specific regulations for a paved street shall apply regardless if the streets are public or private. The following general specifications shall conform to the minimum standards for streets within a Residential PUD:

- a. Curb and gutters are required on all streets.
  - b. Minimum pavement widths shall be as follows:
 

Collector Street	22 ft.
Minor Street	20 ft.
One-Way Street or Alley	12 ft.
  - c. Dead-end streets shall be avoided when possible, however, when necessary, dead-end streets shall be provided with adequate turn-around.
  - d. There shall be a clear delineation between any street (public or private) and parking areas. This can be accomplished by the use of different materials, curbs or other physical separations as appropriate.
2. Off-Street Parking. All automobile storage areas shall be off-street with a minimum of two (2) spaces per dwelling unit. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the Planning Commission may require a variety of design and landscaping techniques to achieve this. Parking for other buildings shall be defined in Section 4.010, of this ordinance.
3. Sidewalks. Sidewalks are required on at least one side of all streets within RPUDs except for alleys. Sidewalks shall be set back a minimum of five (5) feet behind the street curbs. Sidewalks shall be a minimum of five (5) feet wide and be constructed of concrete, brick, textured pavers, or a combination of these materials, and shall be raised above the adjacent street level. Pedestrian street crossings at intersections may be raised above the adjacent street level as a traffic-calming measure.
4. Street Lighting. Street lighting will be considered upon a case by case basis. When required, street lighting shall be decorative.
5. Utilities. The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the appropriate approving agency. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed to ensure adequate fire flow is available to protect all buildings and structures.
6. Waste Disposal. If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.
7. Recreation and Open Space. Recreation uses provided as part of a RPUD may include community buildings, swimming pools, golf courses, tennis courts, playgrounds, and similar activities. Where a RPUD includes multi-family buildings, recreation and open space is required. Where a RPUD contains only single family detached dwellings, only open space is required. In both instances, the amount of land established for permanent usable open space and recreational use shall be a minimum of fifteen (15) percent of the gross acreage.

5.100 CPUD, Commercial planned unit development districts

- A. Permitted Uses. Within an approved CPUD overlay district, the following uses and their accessory structures shall be taken from the underlying base district.

B. Dimensional Requirement. All CPUDs shall comply with the following area regulations: 1.

Minimum Size

Two (2) acres.

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

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

4. Other Yard Requirements. Within the boundary of the CPUD, other than the required yard above, no yard requirements are established. The Planning Commission shall specify internal yards as part of the approval of the final master development plan based upon the type of buildings and nature of the CPUD.

5. Maximum Height of Buildings. No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.040.

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

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

1. Internal Streets. Within any CPUD, streets may be public or private. Streets may be privately constructed and maintained by the landowner/developer. Specifications and procedures of the subdivision regulations shall apply regardless if the streets are public or private. The following general specifications shall conform to the minimum standards for streets within a Commercial PUD:

a. Curb and gutters are required on all streets.

b. Minimum pavement widths shall be as follows:

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

c. Dead-end streets shall be avoided when possible, however, when necessary, dead-end streets shall be provided with adequate turn-around.

d. There shall be a clear delineation between any street (public or private) and parking areas. This can be accomplished by the use of different materials, curbs or other physical separations as appropriate.

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

3. Sidewalks. Sidewalks are required on at least one side of all streets within CPUDs except for alleys. In commercial areas with small setbacks, it may be appropriate for sidewalks to be adjacent to street curbs. Depending on the type and size of development, the space between sidewalk and street curb will be addressed on a case by case basis. Sidewalks shall be a minimum of five (5) feet wide and be constructed of concrete, brick, textured pavers, or a combination of these materials, and shall be raised above the adjacent street level. Pedestrian street crossings at intersections may be raised above the adjacent street level as a traffic-calming measure.

4. Utilities. The development shall be serviced with a public sanitary system or an alternative sewage disposal system approved by the appropriate approving agency. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed to ensure adequate fire flow is available to protect all buildings and structures.

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

6. Signs. Signs in CPUDs shall comply with the p r o v i s i o n s o f A s h l a n d Ordinance contained in the Municipal Code, Title 20, Chapter 1.

7. Landscaping. At least, fifteen (15) percent of the total area of the CPUD shall be landscaped to enhance site appearance. Included in the fifteen (15) percent shall be the front, rear, and side yards of ten (10) feet around the periphery of the CPUD. Yards which directly abut agricultural or residential districts shall be buffered as provided in Section 3.110. The nature of the buffering shall be specified by the Planning Commission as part of the approval of the final master development plan, based on the type of buildings and the nature of the CPUD.

## ARTICLE VI

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

- 6.010 Scope
- 6.020 Nonconforming uses
- 6.030 Bulk and lot size noncompliance
- 6.040 Exceptions to height limitations
- 6.050 Lots of record
- 6.060 Exceptions to setback requirements
- 6.070 Absolute minimum lot size
- 6.080 Exception to lot width requirements

6.010. Scope. ARTICLE VI, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in ARTICLE IV and ARTICLE V.

6.020. Nonconforming uses. The districts established in this ordinance (as set forth in district regulations in ARTICLE V) are designed to guide the future use of land in Ashland City, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this Article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this Article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

#### 6.021. Provisions Governing Nonconforming Uses

##### Applicability

The provisions of this article are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations herein pertaining to nonconforming uses.

6.022. Construction or Use Permit Approved Prior to Ordinance Adoption

Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

6.023. Repairs and Alterations

Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

6.024. Zone Lot Containing Nonconforming Use

A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section 6.023.

6.025. Continuation of Nonconforming Use

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use (See Section 6.026) is undertaken.

6.026. Change of Nonconforming Use

6.026.1 General Provisions

For the purpose of this article, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

6.026.2 Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

6.026.3 Nonconforming to Conforming Use

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed again to a nonconforming use.

6.027. Expansion of Nonconforming Uses

6.027.1 General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

6.027.2 Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

6.027.3 Adequate Space for Expansion

No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance. All required yard setback requirements must be adhered to in any such expansion project.

6.027.4 Expansion Limited

Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

6.027.5 Expansion Upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of Article VIII.

6.028. Damage or Destruction

6.028.1 General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.



6.028.2 Change in Use Prohibited

No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in Section 6.026, above) to other than a permitted use.

6.028.3 Land in Use Prohibited

In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structures or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

6.028.4 Infringement Upon Open Space Restricted

No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

6.029. Discontinuance

When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

6.030. Bulk and lot size noncompliance **(Renumbered 6.040 through 6.090 to 6.030 through 6.080, by Ordinance 329 , January 9, 2007)**

6.030.1 General Provisions

The provisions of this article shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

6.030.2 Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this article.

6.030.3 Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 6.030.4 through 6.030.6.

6.030.4 Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

6.030.5 Buildings Noncomplying as to Lot Area

If a building does not comply with the applicable district regulations concerning the required lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of 3,500 square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than 5,000 square feet).

6.030.6 Damage or Destruction of Noncomplying Uses

A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof.

6.040. Exceptions to height limitations. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Height exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the planning commission.

6.050. 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 ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. 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 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 ordinance, 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.

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

6.070. Absolute minimum lot size. In no case shall the Building Inspector or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments which are constructed in compliance with the provisions cited herein in Section 4.070.

6.080. Exception to lot width requirements. On any lot which directly adjoins any cul-de-sac or turn around area of any dead end street, the minimum lot width requirement as measured at the front building setback line may be reduced to two-third (2/3) of this minimum lot width requirement, as specified in the applicable zoning district.

## ARTICLE VII

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

- 7.010 Administration of the ordinance
- 7.020 The enforcement officer
- 7.030 Building permits
- 7.040 Temporary use permits
- 7.050 Certificate of occupancy
- 7.060 Procedure for authorizing special exceptions
- 7.070 Board of Zoning Appeals
- 7.080 Variances
- 7.090 Amendments to the ordinance
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Effective date

7.010. Administration of the ordinance. Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless it is in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance 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.

7.020. The enforcement officer. The provisions of this ordinance shall be administered and enforced by the City Building Inspector. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.

F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030. Building permits. It shall be unlawful to commence the excavation for, or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to commence the filling of land without a permit thereof, issued by the Building Inspector. If said excavation or construction is begun without a proper building permit, the building permit fee shall be double or twice the original cost of the permit, if legal compliance has been obtained as is required herein.

No Building Permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, 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 ordinance.

A. Application:

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building 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, as well as the elevation of the building site.
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 ordinance are being observed.
5. Water and sewer line locations and sizes.
6. Location and size of existing and proposed drainage structures.
7. Distance to nearest street intersection from front corner of the lot.

B. Fee:

The Mayor and City Council shall establish a schedule of fees and a collection procedure for Building Permits. This schedule of fees shall be posted in the office of the Building Inspector as well as in another public place within the City Hall. Only the City Council 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 ordinance, the Building Inspector shall issue a

Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this ordinance.

D. Construction Progress:

Any Building 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 six (6) months.

7.040. Temporary use permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Building Inspector, as provided for in ARTICLE IV, SECTION 4.030 of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Mayor and City Council. Such schedule shall be posted in the office of the Building Inspector as well as on a public bulletin board at City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

7.050. 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 Building Inspector 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 ordinance. 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 Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing giving the cause for such refusal.

7.060. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206, of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, as well as all pertinent information as cited within Section 3.120.A. of this ordinance which is necessary to properly evaluate the effect that the request will have on adjacent and nearby properties, as per the various criteria cited herein in Section 7.060.C. All such applications shall be presented to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the Board of Zoning Appeals, if said request is to be officially entertained by the board of zoning appeals at it's next regularly scheduled meeting. All plans submitted as a part of this application shall be prepared by a licensed surveyor or, architect, or engineer certified to do business in the State of Tennessee.

B. General Requirements: A conditional use permit (a special exception) shall be granted provided the Board finds that it:

- a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- b. Will not adversely affect other property in the area in which it is located.
- c. Is within the provision of "Special Exceptions" as set forth in this ordinance.
- d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.

C. 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 (Section 7.061), and that satisfactory provisions and arrangements have been made concerning all 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, vibrational, glare and/or, or odor effects of the special exception on adjoining properties, and properties generally in or nearby.
3. Refuse and service areas, with particular reference to the Items in 1, and 2, above.
4. Utilities, with reference to location, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, as well as the compatibility and harmony with properties in the district.
7. Required yards and other open space.
8. General compatibility with adjacent properties and other property in the district.
9. The following additional rules apply for upper story residential development proposals:
  - a. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.

- b. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Ashland City Municipal Code.

10. **The ability to provide adequate fire protection to the site.**

D. Restrictions:

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

E. Validity of Plans:

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

F. Time Limit:

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

7.061. Conditional Use Permits. In addition to the requirements of the applicable district and the general requirements set forth above in Section 7.060.C, a conditional use permit shall be granted for the activities specified herein, only when the following standards established are met as part of the condition for issuing the permit in the applicable zone districts.

It shall be unlawful to issue any building permit or conditional use permit under Sections 7.030 and 7.060, of this ordinance, to any use of land, if such a request for said permit is officially made after a period of twelve (12) months has lapsed between the date wherein the plans for said conditional use (special exception) were officially approved, and the date wherein a building permit for said use is officially requested. After this period of time has elapsed, all previously approved plans shall be considered null and void. Thereafter, a new set of plans prepared by either a licensed professional surveyor, architect, or engineer certified to practice in Tennessee, shall be prepared utilizing the current date, which must be resubmitted to the board of appeals under the requirements of Sections 7.060 and 7.061, for approval. No applicable permits shall be issued concerning said request until approval of such plans is obtained from the board of zoning appeals. Performance bonds or letters of credit for such plans shall be provided according to the following provisions:

- 1. All plans presented for review and approval as conditional uses (special exceptions) to the Ashland City Board of Zoning Appeals shall subsequently be bonded by way of either a performance bond or letter of credit, as per provision 4, below. This surety instrument shall cover improvements shown on the site in the amount of one hundred and ten (110) percent of cost of said improvements.



2. Said improvements shown on such plans may include, but are not limited to, existing road improvements, buffer strips, landscaping requirements, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, and/or any other improvements required by the Board of Zoning Appeals before such plans are approved.
3. The performance bond or letter of credit must be payable to the Ashland City Mayor and City Council.
4. The performance bond or letter of credit may be retained for a period of one year from the date wherein the building permit is issued for the structure/site requiring previous site plan approval as a conditional use (special exception). If improvements have been made within the one year period, the Mayor and City Council shall release the bond after the inspection of all required improvements, and approval of those improvements by the board of zoning appeals, or its authorized representative. If improvements have not been installed in a satisfactory manner, the Mayor and City Council of the Town of Ashland City shall retain and cash the performance bond to facilitate the completion of such improvements.

7.061.1 Special Conditions for Education Facilities:

- A. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- B. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site. In this respect, educational facilities shall be located either on major arterial or collector streets.
- C. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- D. The off-street parking requirements of this ordinance in Article IV, Section 4.010 shall apply.

7.061.2 Special Conditions for Religious Facilities:

- A. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- B. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area, thus reducing the impact upon such area.
- C. Such facilities shall be located only on major arterial or collector streets.
- D. All bulk regulations of the district shall be met.
- E. The off-street parking requirements of this ordinance in Article IV, Section 4.010, shall apply.

7.061.3 Special Conditions for Cultural and Recreational Services:

- A. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district, except art galleries, libraries, or museums in which the primary activity is to be carried out indoors.
- B. All bulk regulations of the zone district shall apply.
- C. The off-street parking requirements of this ordinance shall apply.
- D. Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area.
- E. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on the properties within the surrounding area.
- F. The site and architectural plans shall first be approved by the planning commission taking into account the above conditions.

7.061.4 Special Conditions for Administrative Services:

- A. All of the bulk regulations of the zone district shall apply.
- B. The off-street parking requirements shall be as follows:
  - A minimum of one (1) space for each vehicle belonging to any agency or department, as well as one (1) space for each two (2) employees, plus additional spaces for the public, as determined to be necessary. The loading requirements in Article IV, Section 4.020. shall be met.
- C. The location of such facility shall be determined such that the most efficient services to the community are provided.
- D. The location of such facility shall not materially increase traffic on surrounding streets.
- E. The location of such facility shall not have an adverse effect on surrounding properties. Fencing, screening, and landscaping, may be required as appropriate to protect the surrounding residential area.
- F. The site plan for such facility is first approved by the planning commission taking into account the above factors as well as any other pertinent factors.

7.061.5 Special Conditions for Intermediate and Extensive Impact Facilities:

- A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.

- C. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment.
- D. The off-street parking requirements shall be based upon a recommendation from the planning commission.
- E. The site plan for such facilities shall first be approved by the planning commission taking into account the above conditions, as well as any other pertinent factors related to the use and operation of such facility.

7.061.6 Special Conditions for Essential Public Transport, Communication, and Utility Services:

- A. The location of such facility shall be within an area in order to provide the most efficient service to the community.
- B. All of the bulk regulations of the zone district shall apply.
- C. The location of such facility shall not materially increase traffic on surrounding streets.
- D. The location of such facility shall not have an adverse effect on surrounding properties.
- E. There shall be provided along the entire site boundaries fencing, screening, and landscaping, as appropriate to protect the surrounding residential area.
- F. The site plan for such facility is first approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

7.061.7 Special Conditions for Special Personal and Group Care Facilities.

1. Family Day Care Homes:

- A. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district whichever is greater.
- B. All bulk and setback regulations of the district shall be met.
- C. One accessory off-street parking space for each five children accommodated in this child care facility shall be provided.
- D. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to exit the zone lot.

- E. All regulations of the State of Tennessee that pertain to the use shall be met.
  - F. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
  - G. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.
2. Special Conditions for All Other Uses in this Category. Associations for Physically or Mentally Handicapped Persons, Family and Group Care Facilities, Nursing Homes, Retirement or Rest Homes:
- A. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district whichever is greater.
  - B. All bulk and setback regulations of the district shall be met.
  - C. The requirement of the accessory off-street parking regulations of this ordinance in Article IV, Section 4.010, shall apply.
  - D. All regulations of the State of Tennessee shall be met.
  - E. All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by the Department of Water and Sewer, and site and architectural plans for such a facility shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

7.061.8 Special Conditions for Scrap Operation Activity (junk yard, salvage yard, etc.), in the I-3 District:

- A. The location and topography of the site shall be situated so that fencing, screening, and landscaping can be provided as appropriate.
- B. The scrap operation shall not include any open burning activity on the site.
- C. The bulk regulations and performance standards of this ordinance shall apply.
- D. Insect and rodent control measures shall be provided as approved by the County Health Department.
- E. All required fences and landscaped screens shall be maintained in a neat and attractive manner.
- F. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- G. The operation and location of such facility shall not produce damaging pollution to surrounding streams.

7.061.9 Special Conditions for Group Assembly Activities:

- A. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- C. The off-street parking requirements shall be based upon a recommendation from the planning commission; and
- D. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- E. When an application for a Group Assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed:
  - (1) The minimum size site shall be twenty-five (25) acres;
  - (2) The minimum setback of all structures from all public roads shall be one hundred (100) feet;
  - (3) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval;
  - (4) Access to such facility shall be by a paved public road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential streets;
  - (5) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary;
  - (6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property;
  - (7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities;
  - (8) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structures may not be located within any required setback or buffer area.

- (9) A comprehensive traffic impact study must be prepared by a licensed engineer, in order that any necessary signalization improvements, or public way access improvements be facilitated.

7.061.10 Special Conditions for Feedlots and Stockyards:

- A. The location of such an activity shall be in an area sparsely developed during the length of time the use as a stockyard or feedlot is anticipated.
- B. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district; provided, however, that if such activity includes outdoor animal pens the minimum lot area shall be four (4) acres.
- C. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall indicate the following:
  - (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
  - (2) Location of the area in which the proposed keeping of animals is to be conducted.
  - (3) Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site.
  - (4) Proposed method of drainage of the animal pens.
  - (5) Proposed fencing of the site.
  - (6) Insect, rodent, and odor control measures shall be provided to the satisfaction of the board of appeals.
- D. The owner shall establish to the satisfaction of the board that the operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- E. In any instance where sales of any type are to be conducted at the site, the board shall assure that adequate parking is available.

7.061.11 Special Conditions for Mining Quarrying Activity.

- A. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
- B. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:

- (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
  - (2) Location of the area in which the proposed quarrying activity is to be conducted.
  - (3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
  - (4) Proposed method of drainage of the quarry area.
  - (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
  - (6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
  - (7) Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards as set out in this ordinance.
  - (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be non-toxic, non-flammable, and non-combustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.
  - (9) A comprehensive traffic impact study of both volume and vehicle weight impacts as they relate to the existing and proposed street system. This study must be prepared by a licensed traffic engineer.
- C. Approval for Mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
- D. Before issuing a permit the board shall require the owner of the quarry facility to execute a bond not less than one thousand (\$1,000) or more than two thousand dollars (\$2,000) per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- E. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the manner and procedure as prescribed for an original application, and

- F. The site plan as required in ARTICLE III, SECTION 3.120, herein, is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.



7.061.12 Special Conditions for Intermediate Manufacturing (Commercial Storage of Explosives, etc.):

- A. The location of such an activity shall be in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility, or for similar cause.
- B. Such facility shall not be located on a site having an area of less than fifty (50) acres.
- C. All regulations of the State Fire Marshall and the Ashland City Fire Department relating to the storage of potential and/or octane explosives shall be met.
- D. Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- E. The site plan shall be approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

7.061.13 Adult Oriented Business Establishments as Defined in Article II, Subject to the Following Additional Restrictions:

- A. No adult-oriented establishment shall be operated or maintained in the City 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 City within thousand (1,000) feet, measured from intended building to property line, of a boundary of a residential zone (R-1, R-2, R-3, R-4, and R-5) or a lot devoted to residential use.
- C. No adult-oriented business establishment shall be operated or maintained in the City within thousand (1,000) feet, measured from building to building, of another adult-oriented business establishment.

7.061.14 Special Conditions for Special Institutional Care Facilities

In those districts where authorized as a conditional use, the following supplementary regulations shall apply to all uses classified in the special institutional care activity type:

- A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.

- B. The traffic generated by such facility shall be safely accommodated along, designated arterial or collector streets as shown on the official major thoroughfare plan without traversing local minor streets.
- C. The purpose(s) of the facility must be clearly established by the agency responsible and the appropriate staff services must be provided to achieve the stated purpose(s).
- D. The facility providing residence facilities shall have resident twenty-four (24) hour staff and appropriate professional services shall be supplied.
- E. The off-street parking requirements shall be determined by the Board of Appeals.
- F. The minimum side and rear yards shall be one hundred (100) feet for a one (1) and two (2) story building, increased by ten (10) feet for each additional story.
- G. All public utilities including a central sewage collection and treatment system (as defined by this ordinance) shall be available to the site.
- H. No facility permitted under the provisions of this section shall be located within one thousand (1,000) feet of any church, day care center, nursery school or public park. The distance shall be measured by a straight line from the nearest corner of the building of a potential licensee to the nearest corner of the main entrance of the church, day care center, nursery school or public park, where the centerline intersects with the margin of the public road.

7.061.15. Outdoor Firearms Training Facilities, Excluding Skeet Shooting, Subject to the Following Additional Restrictions: In those districts where authorized as a conditional use, the following language shall apply:

The purpose of these facilities is to safely train individuals in the handling of firearms in an urban setting with minimal impact to adjacent properties. Such facilities shall have a minimum of ten (10) acres and the rear of the firing range is setback a minimum of one-thousand (1,000) feet from any occupied structures or roads. An existing natural berm shall be present at least twenty (20) feet in height or the Board of Zoning Appeals may require a man-made berm no less than twenty (20) feet in height. Any man-made berm must be designed and certified by an engineer licensed by the State of Tennessee, as adequate. There shall be an evergreen buffer a minimum of fifty (50) feet wide on three sides of the firing range provided by the developer/owner if a natural buffer does not exist. The hours of operation shall be limited from 7:00 a.m. to 8:00 p.m. Decibel levels measured at the property lines shall be limited during hours of operation to seventy (70) dB. The developer/owner of a firearms training facility shall provide documentation that all Federal, State, and Local regulations have been met. The developer/owner shall provide two (2) parking spaces per firing point or firing lane. A site plan shall be required pursuant to the plot plan requirements Article III, Section 3.120, of the Zoning Ordinance. In addition to the site plan, the developer/owner shall submit a safety plan and a sound abatement plan. The Board of Zoning Appeals may require additional fencing, buffering, baffles, or may deny the request if the site plan does not or cannot meet the above mentioned purposes, standards and requirements, or if other significant health and safety issues are present.

7.061.16. Special Conditions for Bed and Breakfast Home Residences In those districts where authorized as a conditional use, the following supplementary regulations shall apply to all uses classified in the bed and breakfast home residence activity type:

- A. Bed and breakfast residences shall be established only within preexisting single family residences.
- B. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
- C. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.
- D. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
- E. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
- F. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
- G. Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than four (4) square feet in size, and shall be located no closer to the street right-of-way line than fifteen (15) feet.
- H. One and one-half (1 1/2) off-street parking spaces shall be provided for each rentable room in addition to the required two (2) spaces required for the single family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.
- I. If food is prepared or cooked, a menu made available, and a price is charged therefor, a food server's license must be obtained from the Tennessee Department of Health.
- J. A smoke detector shall be installed in each sleeping room, and a fire extinguisher (ABC) ten (10) pounds in size or larger shall be installed and made easily accessible on the floor or story.
- K. An evacuation plan must be approved by the city's building/fire official prior to the issuance of a use and occupancy permit for a bed and breakfast residence.
- L. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
- M. Prior to the issuance of a certificate of occupancy for the establishment of any bed and breakfast residence not connected to the city's public sewerage system, certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

7.070. Board of Zoning Appeals. In accordance with 13-7-205, Tennessee Code Annotated, a Ashland City Board of Zoning Appeals, consisting of five members, is hereby established. All members of such Board shall be appointed by the Mayor and City Council.

A. Term of Office of Board Members, Removal, and Vacancies:

The members of the Board of Zoning Appeals, shall serve for a three (3) year term, or until their respective successors are appointed and qualified. The Board first appointed shall serve respectively for the following terms: one for (1) year, two for (2) years, and two for (3) years. All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the Mayor and City Council and may be removed from membership on the Board of Zoning Appeals for continued absence or just causes. Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision. Vacancies of said Board of Zoning Appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

B. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the board 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 and action taken thereon which shall be public records.

C. Appeals to the Board:

An appeal to the Ashland City Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decided the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

D. Stay of Proceedings:

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector 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 eminent 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 Building Inspector, and on due cause shown.

E. Appeal to the Court:

Any person or persons or any board, taxpayer, department, or bureau of the City 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.

F. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review:

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

2. Special Exceptions:

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

3. Variances:

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

7.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance. **(Amended by Deleting E, from this Section by Ordinance 329, January 9, 2007)**

A. Application:

After written denial of a permit, a property owner may make application for a variance, using the proper form which is required for requests before by the Board of Zoning Appeals.

All applications must contain all pertinent information as cited in Section 3.120, A, within this ordinance necessary to clearly ascertain the relationship of the applicable land use to it's subject property, as well as to all adjacent properties, along with any necessary supporting information as required, in order that the board be able to clearly analyze and evaluate said variance request. Furthermore, said request or application shall be presented to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the Board of Zoning Appeals, if said request is to be officially entertained by the board of zoning appeals at it's next regularly scheduled meeting.

B. Fee:

A fee of fifty (\$50.00) payable to the Town of Ashland City 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.

Hearings:

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance 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 sixty (60) days of such hearing and in accordance with the standards provided below.

Standards for Variances

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.

The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.

The variance will not authorize activities in a zone district other than those permitted by this ordinance.

Financial returns only shall not be considered as a basis for granting a variance.

The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.

That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.

The variance is the minimum that will make possible the reasonable use of the land, building, or structure.

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.

The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.

7.090. Amendments to the ordinance. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Mayor and City Council of the Town of Ashland City. Any member of the Mayor and City Council may introduce such legislation, or any official, board, or any other person may present a petition to the Mayor and City Council requesting an amendment or amendments to this ordinance. These amendments must be in relation to the Comprehensive Plan and the general welfare of the community.

An application by an individual for an amendment shall be accompanied by a fee of one hundred (\$100.00) dollars payable to the Town of Ashland City, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description, and scale drawing of the land illustrating topographic contours at five (5) foot intervals and existing buildings shall be submitted with said application no later than the end of the working day twenty (20) days prior to the regularly scheduled meeting date of the planning commission.

The planning commission shall review and make recommendations to the Mayor and City Council on all proposed amendments to this ordinance.

The planning commission in its review and recommendation and the Mayor and City Council in its deliberation shall make specific findings with regard to the following grounds for an amendment and shall note that the same in the official record as follows:

- A. The amendment is in agreement with the general plan for the area;
- B. It has been determined that the legal purposes for which zoning exists are not contravened;
- C. It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
- D. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Ashland City Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days following the planning commission meeting wherein such amendment is entertained within which to submit its report. If the Planning Commission disapproves the amendment within the thirty (30) days, it shall require the favorable vote of a majority of the Mayor and City Council 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.

A public hearing shall be held on all proposed amendments to this Title prior to second reading by the Board of Mayor and City Council. Notice of such hearing shall be given by the City Manager or City Recorder in a newspaper of general circulation within the city at least fifteen (15) days but no more than thirty (30) days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration area.

In addition at least fourteen (14) days prior to the date of the scheduled hearing, the building inspector shall place a free standing notification sign, visible and readable to persons of ordinary vision from the abutting street, on property that is the subject of the re-zoning hearing by the board.

Such sign shall state the date, time and place of the hearing by the board and shall briefly state the existing zoning classification of the property and the requested re-zoning classification. The sign shall remain in place until the hearing. Such sign shall at all times remain the property of the city.

Upon enactment of an amendment to the zoning map which is part of the Title, the building inspector shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

Whenever an application for an amendment to the text of this ordinance or for change in the zoning classification of any property is denied, the application for such amendment, shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- A. Upon initiation by the Mayor and City Council, or Planning Commission;
- B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
- C. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

7.100. Penalties. Any persons violating any provision of this ordinance shall be guilty of a misdemeanor, and shall be fined not less than twenty-five (25) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.



7.110. 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 ordinance, the City Attorney, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, or reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. Separability. Should any section, clause, or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be valid or unconstitutional.

7.130. Interpretation. Whenever the conditions of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern. Moreover, whenever there is a conflict between any portion(s) of this ordinance, that portion(s) containing the more restrictive requirements shall govern.

## TITLE 20

MISCELLANEOUS

## 1. SIGN ORDINANCE.

## CHAPTER 1

SIGN ORDINANCE

## SECTION

20-101. Purpose, scope.

20-102. Definitions.

20-103. General provisions.

20-104. Permitted signs in residential districts.

20-105. Permitted signs in commercial and industrial districts.

20-106. Temporary sign provisions.

20-107. Nonconforming and noncomplying sign provisions.

20-108. Administration.

20-109. Legal status provisions.

20-101. Purpose, scope. (1) Legislative purpose. The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signage is adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- (a) Protect the right to the use of signs for the identification of activities and any related products, services and events and for non-commercial messages;
- (b) Protect the right of individuals to privacy and freedom from nuisances;
- (c) Protect the value of property and improvements thereon;
- (d) Permit signs that are appropriate to their surroundings;
- (e) Assure that signs are constructed and maintained in a safe condition;
- (f) Encourage design that enhances the readability and effectiveness of signs;
- (g) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- (h) Reduce traffic hazards;
- (i) Eliminate obsolete signs; and
- (j) Provide an efficient and effective means of administration and enforcement.

(2) Scope. Except for signs permitted in all districts in section 20-103(4) herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings including interior window signs and all exterior signs except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

This chapter shall not apply to any property that is residential and in no way restricts signs on residential property, except for prohibited signs in all districts. These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of this chapter. (Ord. #180, April 1998)

20-102. Definitions. For the purpose of this chapter the following definitions, terms, phrases, words, and their derivation shall have the meaning given herein.

"Appeals board." The duly appointed board authorized by the city council to hear and act upon appeal of a decision of the enforcement officer or any request for a variance from any provision of this sign ordinance.

"Building face or wall." All window and wall area of a building in one place or elevation.

"Candlepower." The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot candle. Maximum (peak) candlepower is the largest amount of candlepower.

"City." When used herein shall mean the Town of Ashland City, Tennessee.

"Commercial complex." A building or group of buildings located upon a lot used or designated to be used for two or more occupancies.

"Copy." The wording or graphics on a sign surface.

"Copy area." The smallest area within a contiguous single perimeter composed of one or more circles, triangles and/or rectangles that enclose the extreme limits of the actual copy of the sign.

"Display surface area." The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any background materials, color, or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.

"District." A zoning district as defined and established by the Ashland City Zoning Ordinance.

"Enforcing officer." The chief enforcing officer or official appointed to enforce the terms of this chapter.

"Establishment." A lawful entity, incorporated or unincorporated, that owns, rents, or leases space to conduct a commercial or noncommercial activity.

"Facade." The entire building wall, including the main street wall face, parapet, facis, windows, doors, canopy and roof on any complete elevation.

"Footcandle." A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

"Height (of sign)." The vertical distance measured from the surrounding grade to the highest point of a sign.

"Item of information." The name of a business, service, product, or individual.

"Lambert." The cgs unit of brightness of a perfectly diffusing surface that radiates or reflects light at a rate of one lumen per square centimeter.

"Major street or thoroughfare." Any street shown as such on the official major thoroughfare plan.

"Major street or thoroughfare plan." A plan for future streets and street rights-of-way adopted by the Ashland City Planning Commission.

"Noncomplying (sign)." Any sign which does not comply with (1) or more standards or regulations in this chapter, as of the effective date of this chapter.<sup>1</sup>

"Nonconforming (sign)." Any sign which is not permitted within the district in which is located, as of the effective date of this chapter.<sup>1</sup>

"Occupancy or premises site." Any principal or accessory use of or activity occurring upon the subject premises (zone lot).

"Right-of-way." The proposed right-of-way as indicated on the official major street or thoroughfare land, or as set forth by plat or plan for existing streets not planned for widening. Also defined as the line where the property meets the public street or public roadway provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

"Sign." Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant but excluding any governmental flag); inflatable devices; or any other figure of similar character, which:

- (1) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (2) is used to announce, direct attention to, or advertise; and
- (3) is visible from outside a building.

"Sign, abandoned." Any sign in which the function of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

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<sup>1</sup>These provisions were taken from Ordinance No. 180 which passed second reading April 14, 1998.

"Sign, accessory." Any sign that directs attention to a person, activity, or commodity on the same zone lot.

"Sign, advertising (billboards)." A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, including any expressive sign larger than fifteen (15) square feet; or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign, provided the establishment offering the product is not associated with the brand or trade name of the product being advertising.

"Sign, animated." A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

"Sign, area." The area or square footage enclosed by the perimeter of the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, messages, forms or panels, sign area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cut-outs" or extensions, but shall not include any supporting structure or bracing.

"Sign, back to back." A sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically continuous.

"Sign, balloon." Any inflatable, non-stationary, animated type of advertising sign.

"Sign, banner." A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

"Sign, building mounted." Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

"Sign, business." A type of accessory sign that identifies or provides related information about commercial and manufacturing activity types.

"Sign, changeable copy." A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

"Sign, civic." A type of accessory sign that identifies or provides related information about community facility activity types. More specifically such signs shall include:

- (1) a sign, permanently erected or permitted in the public right-of-way or private property by the Town of Ashland City, Cheatham County, State of Tennessee, or other government agency to denote the name of any thoroughfare; the route to any city, town, village, educational institution, public building, historical place, shrine or hospital; to direct and regulate traffic; and to denote

any railroad crossing, bridge, or other transportation or transmission company for the direction of safety of the public.

(2) an on-premise temporary sign which contains information regarding the time and place for regular meetings of civic or religious groups.

"Sign, development." A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

"Sign, direct illumination." All illuminated signs not included in the definition of "sign," "luminous background" or "sign," indirect illumination.

"Sign, directional." Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed four (4) square feet in size nor forty eight (48) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

"Sign directory." A sign which lists the names of individuals, businesses, or products available at a single site.

"Sign, dilapidated." Any sign which is structurally unsound, has defective parts, or is in need of painting, or other maintenance.

"Sign, double-faced." A sign with two (2) faces which are usually but not necessarily parallel.

"Sign, electrical." A self-illuminated sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

"Sign, expressive." Any sign that expresses an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs.

"Sign, festoon." A wreath of paper, flowers, leaves, strings of fringe or flags, etc., hanging in a loop or curve, or any carved or molded decoration resembling this, as hung or strung on poles, street furniture, buildings, or any object.

"Sign, flashing." Any lighted or electrical sign which emits light in sudden transitory bursts.

"Sign, face." The part of the sign that is or can be used to identify, advertise, communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

"Sign, ground." A sign permanently affixed to the ground by a foundation pedestal or other structure, such foundation, pedestal, or other structure being greater than three (3) feet in width or twelve (12) inches in diameter and not

attached to any building. For the purposes of this chapter monument signs shall be considered as constituting ground signs.

"Sign, handtacked." A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

"Sign, height." The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction exclusive of any filling, mounting and/or berming which occurs directly due to the construction of the sign.

"Sign, illuminated." A sign designed to give forth any artificial light or reflect such light from an artificial source.

"Sign, incidental." An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than (4) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger," "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs, and expressive signs.

"Sign, indirect illumination." Any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

"Sign, inflatable." A sign that is either expanded to its full dimensions, or supported by gasses contained within the sign, or sign parts, at pressure greater than atmospheric pressure.

"Sign, large residential." A type of accessory sign larger than three (3) square feet that indicated the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned unit development that contains more than twelve (12) dwelling units.

"Sign, luminous background." A sign created by trans-illuminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaque.

"Sign, monument." (See definition of sign, ground).

"Sign, moving message board." Any electrical sign having a continuous message flow across its face by utilization of lights, or other electrical impulses forming various words or designs, such as time and temperature.

"Sign, neon wall sign." Any use of neon or gas tubular lighting on the exterior building facade or canopy for the purpose of providing a wall sign for the business and/or to outline the exterior of the building or structure so as to draw visual attention to the business.

"Sign, off-premises." Any sign located or proposed to be located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For the purpose of this chapter, easements and other appurtenances shall be considered to be inside such platted parcel of land. Signs identifying public service, religious or civic club organizations not to exceed four (4) square feet as approved by the enforcing officer (sign) are exceptions to this definition.

"Sign, off site industrial." An off-site sign no larger than six (6) square feet located only in an industrial zoning district, which draws attention to an adjacent industrial use or activity. Only one (1) such sign shall be displayed for any given industrial activity.

"Sign, on-premises." Any sign located or proposed to be located at any place, if otherwise permitted by this chapter, within the plat of record for the business or other activity identified on such sign.

"Sign, pennant." Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

"Sign, permanent." Any sign which is fixed and stable. Portable signs, handtacked signs and other types of temporary signs such as festoons, balloons, banners and inflatable signs shall not be considered as permanent signs.

"Sign, pole." A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

"Sign, political." A sign erected by a political candidate, group, or agent thereof, for the purpose of advertising a candidate regarding an issue on which there will be a public vote.

"Sign, portable." Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

"Signs, projecting." Any sign that (a) is attached to a wall and projects outward from the wall more than twelve (12) inches or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

"Sign, public service." A type of sign which is noncommercial that provides community service information or identification and includes church directional signs and civic club symbol or identification signs.

"Sign, realty." A type of incidental sign that temporarily provides information regarding the sale, lease, or rent of the premises or any improvements thereon which is no larger than six (6) square feet.

"Sign, roof." Any sign attached to or mounted on any surface defined as a roof.

"Sign, structure." A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.



"Sign, temporary." Any sign that has a specific limitation in the amount of time that it can be displayed.

"Sign, vehicle." A permanent or temporary sign affixed, painted on, or placed in or upon any parked vehicle, parked trailer, or other parked device capable of being towed, which is displayed in public view such that the primary purpose of said display is to attract the attention of the public, rather than to serve the business of the owner thereof in the manner which is customary for said vehicle.

"Sign, wall." A type of building mounted sign (1) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee, (2) that does not project outward more than twelve (12) inches from the surface to which it is attached, and (3) in which the sign face is parallel to the plan of the surface to which it is attached.

"Street banner." A banner sign crossing a public way or street with the purpose of promoting a special festival, celebration, or holiday.

"Tent." A collapsible shelter of canvas or other material stretched and sustained by poles, usually made fast by ropes attached to pegs hammered into the ground.

"Travelway." That portion of a public right-of-way that is improved for use by self-propelled vehicles, including paved or gravel areas and any other area intended for vehicle movement or storage.

"Zone lot." A lot, parcel, or piece of land which meets the legal requirements for use as a lot under the adopted zoning ordinance. (Ord. #180, April 1998)

20-103. General provisions. The following requirements apply to all signs in all districts.

(1) General standards. (a) No sign except for those specified in section 20-103(4) shall be erected until a permit has been obtained in accordance with section 20-108 of this chapter.

(b) No sign shall resemble or approximate the size, shape, form, and/or color of any official traffic control sign, signal, or device.

(c) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.

(d) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines seventy-five (75) feet from the point of the intersection. Traffic control signs may be an exception to this standard.

(e) No sign shall be erected or maintained within any public street right-of-way except traffic control and governmental directions signs.

(f) No sign shall be painted on or attached to any trees, rocks, fence post, utility poles, or similar structures or objects.

(g) No sign shall obstruct any doorway, passage, or fire escape.

(h) The light from any illuminated sign shall be so directed, shaded, or shielded so that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Lights shall not be obtrusive and interfere with a residential structure.

(i) All signs shall be maintained in good condition at all times. Signs which are defaced, missing some or all illumination or characters, and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. The owner shall be given thirty (30) days written notice to comply with this chapter. Should the owner and/or property occupant fail to comply within the prescribed period, the continued use of such sign shall be a violation of this chapter.

(j) Signs shall conform to all national state, and local electrical codes. All required permits shall be obtained.

(2) Calculation of display surface area. (a) The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.

(b) On signs in which the copy together with the background are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.

(c) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.

(d) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.

(e) In any district which permits advertising signs, the computation of display surface area shall include both advertising and accessory signs.

(f) On a corner lot, a permitted sign may be located along each street frontage according to the rules as cited within this chapter.

(3) Height of signs. The following general rules shall apply in the determination of the height of signs.

(a) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports, or the base of any sign directly attached to the ground.

(b) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

(4) Signs permitted in all districts. The following signs are permitted in all districts and do not require a permit except as specifically noted.

(a) Official federal, state, and local government traffic, directional, or informational signs and notices issued by the court, person, or officer in the performance of an official public duty, provided such sign does not exceed four (4) square feet per face;

(b) Temporary signs warning of construction, excavation, or similar hazards, so long as the hazard may exist;

(c) Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday;

(d) Commemorative or historical plaques and tablets. Such signs shall be authorized by the enforcing officer, and shall not exceed nine (9) square feet per face and six (6) feet in height;

(e) The official flag of a government, governmental agency, public institution, religious corporation, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civic holidays. Flags may also be used as a part of a professionally designed and permanently maintained and landscaped entrance or design feature of a residential or commercial development, provided that the number of flags shall not exceed three (3). Flags mounted on poles shall meet the height and size requirements of the district in which they are located.

(f) Incidental signs subject to the following restrictions:

(i) Political signs shall be removed no later than fifteen (15) calendar days after the election;

(ii) Yard or garage sale signs shall be removed within two (2) calendar days after the sale, and shall not be erected longer than five (5) calendar days;

(iii) Expressive signs shall be removed within (15) calendar days after an election, campaign, or event;

(g) Directional signs not exceeding six (6) square feet per face;

(h) Works of art that do not include any commercial messages, symbols, or references;

(i) No trespassing, no hunting, no fishing, no loitering, and like signs not exceeding one (1) square foot in area;

(j) Residential or commercial real estate signs not exceeding six (6) square feet per face, and two faces.

(5) Signs prohibited in all districts. The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

(a) Any sign is abandoned, deteriorated, or unsafe. An abandoned sign shall be removed within thirty (30) days of the notification of the owner of the property of the violation;

(b) Signs which are made structurally sound by guy wires or unsightly bracing;

(c) Signs which contain any kind of strobe or pulsating lights;

(d) Animated signs;

(e) Banner signs, festoons, and tents except as specifically permitted in section 20-106;

(f) Any sign with direct illumination provided by exposed bulbs or lamps;

(g) Flashing signs;

(h) Portable signs;

(i) Roof signs;

(j) Inflatable signs or tethered balloons of all shapes and types;

(k) No signs advertising goods and products not being sold on the occupancy site or property (see definition of occupancy), with the exception of advertising signs (billboards), and off-site industrial signs as defined herein; and

(l) Pole signs when utilized as permanent signs. (Ord. #180, April 1998)

20-104. Permitted signs in residential districts. Within the residential districts as delineated by the Ashland City Zoning Ordinance, permanent accessory signs are permitted subject to the provisions as set forth herein.

(1) Large residential signs. (a) Large residential signs may be permitted at the main entrances to a subdivision or to a planned unit or multi-family development containing twelve (12) or more dwelling units subject to the approval of the planning commission.

(b) One (1) sign may be permitted, on either side of the entrance, if such sign is on private property. If there is a median in the entrance street, such sign may be located in the median.

(c) All large residential signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.

(d) A large residential sign shall not exceed twenty-five (25) square feet in size.

(e) The maximum height of such sign shall be four (4) feet when constructed as a ground sign. A ground sign which is integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet.

(f) Any large residential sign and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.

(g) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any nearby residential structure. (Ord. #180, April 1998)

20-105. Permitted signs in commercial and industrial districts.

(1) Signs other than advertising signs (billboards). With the commercial and industrial districts, as delineated by the Ashland City Zoning Ordinance, the total amount of on-premises signage (display surface area) allowable on any zone lot shall be calculated based on a ratio of one (1) square foot of signage per two (2) linear feet of street frontage not to exceed eighty (80) square feet of signage, subject to the following provisions:

(a) Projecting signs are permitted subject to the following standards:

(i) A use may be permitted to have one (1) projecting sign attached to the front of the building.

(ii) Such sign shall not exceed thirty (30) square feet in display surface area.

(iii) Such sign shall not project into the public right-of-way and in no case shall such sign be closer than five (5) feet from the curb or edge of pavement of the travelway, or no less than fifteen (15) from the right-of-way, whichever is more restrictive.

(iv) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.

(v) Such sign shall clear the established grade by a minimum of ten (10) feet.

(vi) Such sign shall be no closer than thirty (30) feet to any other projecting sign.

(b) Wall signs are permitted subject to the following standards:

(i) The display surface area of such sign shall not exceed ten (10) percent of the square footage of the wall to which it is attached, and occupy more than forty (40) square feet of said surface area.

(ii) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall considered to be the front of the use shall be used for location of such signage.

(iii) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.

(iv) Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds ( $2/3$ ) of the distance between top of the window below and the sill of the window above.

(v) Such sign shall not cover or interrupt major architectural features of the building.

(vi) If a use utilizes both wall and projecting signs, the total, combined display surface area for each type of sign shall not exceed forty (40) square feet.

(c) Ground signs are permitted subject to the following standards:

(i) One (1) ground sign is permitted for each zone lot.

(ii) Such sign shall have maximum display surface area of forty (40) square feet.

(iii) Any ground sign shall be set back from the right-of-way a minimum of fifteen (15) feet and any monument sign shall be set back from the right-of-way a minimum of fifteen (15) feet.

(d) Development signs are permitted subject to the following standards:

(i) A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the enforcing officer, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be a ground sign.

(ii) A development sign shall not exceed forty eight (48) square feet in size or eight (8) feet in height.

(iii) A development sign shall not be lighted.

(iv) Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

(e) The following provisions and standards shall apply to commercial complexes.

(i) A commercial complex may be permitted one (1) ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of

two hundred-fifty (250) feet in length, one (1) additional sign shall be permitted. The maximum size of each such sign shall be a ratio of  $\frac{1}{2}$  to 1 square footage of sign area to the length of the street frontage, or the front facade of the building, whichever is greater, with a maximum aggregate sign area of one hundred fifty (150) square feet. No single type of sign shall exceed fifty (50) square feet in size. Four (4) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven (7) feet. In the event the above ratio results in a sign less than fifty (50) square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

(ii) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows, or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed ten (10) percent of the square footage of such wall and may be apportioned for multiple occupants, with each occupant being entitled to an equal share of the display surface area. Signs attached to the inside of windows and intended to be viewed from the exterior of the building shall cover no more than twenty-five (25) percent of such window.

(iii) In lieu of a ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1) above with each occupant being entitled to one (1) directory panel.

(iv) A commercial complex may also be permitted entrance identification signage. Two (2) signs may be permitted, one (1) on either side of the entrance and both shall be on private property. If there is a median, a sign may be located in the median. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped and privately maintained. No sign shall exceed twenty-five (25) square feet in size nor seven (7) feet in height.

(f) Signs may be illuminated subject to the following standards:

(i) Exposed bulbs are prohibited, with the exception of neon lights meeting the illumination requirements as cited hereunder.

- (ii) No sign shall change color or intensity.
- (iii) The brightness and surface illumination shall not exceed:

Luminous background - 150 foot lamberts

Indirect illumination - 50 foot candles

- (iv) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line or any lot that is zoned residential.

(v) The light from any illuminated sign shall be shaded, shielded, or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not be obtrusive nor interfere with a residential structure.

(g) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional (supplemental) provisions shall apply:

- (i) Each such use shall be permitted:

(A) One (1) permanent price sign per zone lot. Such sign shall be affixed to or made part of the permitted sign and shall not exceed twenty (20) square feet in size. Such sign shall be setback from the right-of-way a minimum of fifteen (15) feet.

(B) Two (2) non-illuminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street. Also, a "pump topper" sign no larger than eighty (80) square inches per sign shall be allowed on each pump.

(h) This section shall be applicable only to movie houses or theaters. The following additional (supplemental) provisions shall apply:

(i) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building, and be located no closer than five (5) feet from the edge of curb or edge of pavement. See section 20-105(1)(b) for applicable developmental standards.

(ii) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of thirty (30) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).



(2) Advertising signs (billboards). No new billboard or off-site sign can be located within the corporate limits of Ashland City. Billboards existing at the time this chapter is passed are considered non-conforming, non-complying and are "grandfathered in." See section 20-107. Such "grandfathered" signs must be kept in good repair and may not be moved or altered in such a way as to enlarge or heighten them. (Ord. #180, April 1998)

20-106. Temporary sign provisions. Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

(1) General requirement. (a) A permit shall be required for all temporary signs.

(b) Banners may be used as temporary signs provided that such banners shall be securely affixed to the principal building.

(c) One (1) temporary sign may be permitted for each three hundred (300) feet of street frontage on a public street.

(d) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.

(e) No temporary sign shall be displayed on a roof.

(f) No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner or festoon announcing a fair, festival, parade, Christmas festivities, or similar activity that will be open to the general public.

(g) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to four (4) items of information.

(h) Tents, but only when fireworks may legally be sold within the city limits. These are subject to all provisions related to fireworks within the city code.

(j)<sup>1</sup> Temporary development signs are permitted to announce the name, developer, and type of development for a new development which has either a plot (site) plan, or preliminary master plan approval. See section 20-105(1)(d) for applicable design standards.

(2) Duration of temporary signs. (a) Display of temporary signs shall be limited as follows:

(i) Construction signs permitted in section 20-106(1)(g) shall be removed upon completion of the project.

(ii) Signs for special events open to the general public shall be limited to thirty (30) days.

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<sup>1</sup>Ordinance No. 180 (April 1998) from which this chapter was taken, did not have a subsection (i) at this point.

(iii) Signs for special sales or business promotions shall be limited to fifteen (15) days.

(iv) Display of all temporary signs on a lot or parcel except for those in section 20-106(2)(a)(i) shall be limited to a maximum of sixty (60) days per calendar year.

(v) Temporary development signs shall be limited to the period of time that the project is under development, as limited by the Zoning Ordinance, Subdivision Regulations, and/or Standard Building Code.

(3) Display surface area, height, and illumination. (a) Maximum display surface area shall be thirty (30) square feet except for street banners which shall not be limited.

(b) Maximum height shall be twelve (12) feet, except that banners displayed over a public street shall have a minimum clearance of fifteen (15) feet. This shall also apply to festoons and lights during the Christmas season.

(c) Temporary signs shall not be illuminated except in commercial or industrial districts, with the exception of the Christmas season.

(d) The maximum display surface area for a temporary development sign shall be forty eight (48) square feet.

(4) Location of temporary signs. (a) No temporary sign shall be located closer than fifteen (15) feet from a public right-of-way.

(b) The minimum distance between any two (2) such signs on the same zone lot shall be one hundred fifty (150) feet.

(c) No temporary signs shall be closer than fifty (50) feet from any permanent sign. (Ord. #180, April 1998)

20-107. Nonconforming and noncomplying sign provisions. Any sign lawfully existing at the time of the enactment of this chapter but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions. Nonconforming signs shall be classified as "grand-fathered" signs, except those described below, and shall be removed only when the enforcing officer utilizing certain appropriate sections of the Standard Building Code, the City Code of Ashland City and/or various provisions of this chapter deem such signs as being dilapidated and constituting a definite health hazard to the public, however, that any advertising sign located within 660 feet of a federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law. Nonconforming portable and handtacked signs and signs in a public right-of-way shall be removed within forty-five (45) calendar days, and nonconforming flashing or animated signs shall be caused

to stop flashing or animation within forty-five (45) calendar days from the passage of this chapter.

(1) Alterations to nonconforming and noncomplying signs. A nonconforming or noncomplying sign may be altered subject to the following conditions.

(a) That the degree of nonconformance or noncompliance is not increased as apply to on-premises signs. Such alterations are limited to the changing of a copy of permitted changeable copy sign, or the painting or refinishing of the surface of sign face or sign structure so as to maintain an adequate appearance. The alteration of advertising signs which are nonconforming or noncomplying must adhere to all the requirements cited in section 20-105(2). In all cases, the business owner shall obtain a sign permit in accordance with the terms of this chapter.

(b) If any nonconforming sign is removed as per the requirements cited in section 20-107 above or for any other reason, it shall not be allowed to be replaced.

(c) If any noncomplying sign is removed, it can only be reconstructed if it is brought into compliance with all applicable yard, setback, size, and height requirements as stipulated within this chapter.

(2) Removal of nonconforming and noncomplying signs. Nonconforming and noncomplying signs shall be removed under the following circumstances:

(a) Whenever a land use changes ( as defined in Ashland City's Zoning Ordinance), any previously nonconforming/noncomplying sign must be modified so as to be in full compliance with these regulations; and

(b) Whenever any modifications (i.e. relocation, increase in area, and sign type as defined in this section) are made to previously nonconforming/noncomplying sign, other than normal maintenance and painting, the sign must be modified so as to be in full compliance with these regulations. (Ord. #180, April 1998, as amended by Ord. #391 Dec. 2004)

20-108. Administration. (1) Sign permitted application. (a) An application for a sign permit must be filed at city hall at the enforcing officers office.

(b) An application for a sign permit shall be made upon forms provided by the enforcing officer. The application shall be accompanied by a signage plan for the lot which shall include all signs, existing and proposed.

(c) For any lot on which the owner proposes to erect any sign requiring a permit. Signage plan shall be submitted containing the following:

(i) An accurate plot plan of the lot;

- (ii) Location of all buildings on the lot;
- (iii) Computations of the total sign area, the area of individual signs, height and dimensions of individual signs, and locations of signs on the lot and/or buildings;
- (iv) Standards for consistency among all signs and proportions;

(d) The signage plan may contain such other restrictions as the owner of the lot may determine which are in conformity with the provisions of this chapter and shall be signed by all owners of the property.

(e) A signage plan may be amended by filing a new plan with the enforcing officer which conforms to all requirements of the chapter.

(f) After approval of a signage plan by the enforcing officer, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of this chapter and the provisions of any sign plan, this chapter shall control.

(g) An application for a sign permit shall contain the following:

(i) Name, address, and phone number of the property owner;

(ii) Name of persons or firms, as well as city business license number thereof erecting the sign and all structures;

(iii) Written consent of the owner of the building or lot, if different from the applicant, where such sign is to be erected or attached.

(iv) The approximate value of the sign to be installed including the installation cost.

(h) The permit fee shall be as established by resolution of the city council. Said fee may cover all signs included on the plan or may apply to any sign being changed. See section 20-108(7) of this chapter for the penalties associated with a failure to obtain a sign permit.

(i) A sign permit shall become null and void if construction has not begun within three (3) months of the date of issuance of the permit.

(2) Exceptions. The following signs shall be exempt from the payment of fees:

(a) Incidental signs, with the exception that a cash bond or escrow must be filed with the enforcing officer to ensure that such signs will be removed promptly as mandated in section 20-103(4)(f) of this chapter.

(b) Official federal, state, and local government signs.

(c) Commemorative or historical plaques.

(3) Appeals. Any person aggrieved by any action of the enforcing officer in denying or issuing a sign permit as herein described may, within thirty

(30) calendar days, appeal for a variance or other relief in writing to the board of sign appeals through the enforcing officer. Action on any permit, the issuance of which has been appealed, shall be suspended pending final decision of the said board on the appeal. The board may set such appeal for public hearing giving such notice to the public or to persons concerned with such appeal as the board deems advisable and in keeping with state law.

(4) Creation of the board of sign appeals. There is hereby created a board of sign appeals. Said board shall consist of five (5) members appointed by the mayor for a term of three (3) years. Members shall first be appointed for terms of one (1), two (2), and three (3) years with two (2) members receiving a two (2) year term and two (2) members a three (3) year term. The board shall elect a chairman from its members.

The city shall provide a secretary to keep all records of the board.

(5) Powers and duties of the board. The board of sign appeals shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, or refusal made by the enforcing officer.

(b) To hear and decide requests for variances from the provisions of this chapter according to the criteria cited within section 20-107(6) herein.

(6) Standards for appeal decisions. Before granting any relief from the application of the provisions of this, the board shall make specific findings of fact justifying the case under appeal.

(a) For a finding of error, the board shall state the section of the ordinance that is being appealed and how the enforcing officer erred in the application of the ordinance requirements.

(b) For an action granting a variance, the board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(i) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience.

(ii) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.

(iii) The hardship has not been created by any person having an interest in the property.

(iv) Financial returns only shall not be considered as a basis for granting the variance.

(v) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this chapter.

(vi) The variance does not confer a special privilege to the applicant that is denied to others.

(c) Under no circumstances shall the board grant a variance to allow a sign which is not permitted by this chapter.

(d) The board may impose such conditions and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this chapter.

(7) Violations and penalties. Any person, firm, or corporation violating any provisions of this chapter shall be guilty of a city ordinance violation, and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars. Each day that a violation continues shall be considered a separate offense and an additional violation. If within seven (7) calendar days, the owner of a sign fails to contact the enforcing officer in order to bring said sign into compliance with this chapter, or to obtain a permit for said sign, the enforcing officer is herein empowered to have the sign removed and impounded without any further notice.

(8) Impoundment of signs. The enforcing officer shall have the authority to remove all signs, without notice to the owners thereof, placed within any street right-of-way, or attached to trees, fence posts, telephone poles, utility poles, or other natural features, or signs otherwise prohibited within this chapter, and to impound them for a period of fifteen (15) calendar days. The owner of a sign impounded may recover same upon the payment of fifty (\$50) dollars for each sign, prior to the expiration of fifteen (15) calendar days. Once a sign is impounded, the enforcing officer shall notify the owner of said sign of this situation by register mail or by personal service.

The owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids or participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein. (Ord. #180, April 1998)

20-109. Legal status provisions. (1) Exercise of police power. This entire chapter shall be deemed and construed to be an exercise of the police power of the Town of Ashland City, Tennessee, adopted under the authority of section 6-19-10, Tennessee Code Annotated for the preservation and protection of the public's health, safety, morals, and general welfare and pursuant to all other powers and authorities for the aforesaid purposes and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

(2) Severability. If any section, clause, provision, or portion of this chapter is held to be invalid or unconstitutional by any court or competent

jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional.

(3) Conflict with other ordinance. In case of conflict between this chapter or any part hereof, and the whole or part of any existing or future ordinance of the city, the most restrictive provisions shall in all cases apply.

(4) Interpretation. Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter. (Ord. #180, April 1998)