

**ZONING ORDINANCE**  
**COOPERTOWN, TENNESSEE**



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**COOPERTOWN, TENNESSEE**

**ADOPTED: JANUARY 23, 2007**

**AMENDED: DECEMBER 15, 2020**

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AMENDMENTS

| <u>Date</u>           | <u>Ordinance No.</u> | <u>Amendments</u>  |
|-----------------------|----------------------|--|
| May 22, 2007          | 2007-004             | Article VIII, Amended Section 8.090, Penalties.<br><br>Article VIII, Added Section 8.100, Site Development Agreement; Renumbered Old Section 8.100, Miscellaneous.<br><br>Article VIII, Amended Section 8.200, Miscellaneous.  |
| May 22, 2007          | 2007-05              | Article IV, Amended Section 4.060, Swimming Pool Restrictions, B.  |
| October 23, 2007      | 2007-23              | Article VI, Amended Section 6.030, A., District Purposes.  |
| January 22 (23), 2008 | 2007-26              | Article VI, Deleted and Replaced Section 6.040, C, (2), Basis for Establishing the Areas of Special Flood Hazard.  |
| February 23, 2010     | 2010-001             | Article II, Section 2.020, Deleted and Replaced definition for 'Adult Oriented Business', added new definitions for 'Specified Anatomical Areas' and 'Specified Sexual Activity;' Article VIII, Section 8.070 (I) renamed to 'Specific Standards for Activities;' Article VIII, Section 8.070 (I) (3) Deleted and Replaced with new (3) 'Special Provisions Applicable to Adult Oriented Businesses'   |
| July 27, 2010         | 2010-008             | Article V, Creation of Section 5.070, Historic Zoning Overlay District   |
| December 18, 2012     | 2012-013             | Article VII, Section 7.021, #9, Deleted and Replaced with new #9   |
| December 18, 2012     | 2012-017             | Article III, Section 3.030 (E), #4, Deleted and Replaced with new #4   |
| July 10, 2013         | 2013-002             | Article II, Section 2.020, Deleted and Replaced definition for <u>Accessory Building or Structure</u> with new definition for <u>Accessory Building or Apartment</u> ; Article IV, Section 4.042, Deleted and Replaced subsection 1 with new subsection 1 for Accessory Apartment; Article V, Table 5-A, addition of an asterisk to Accessory Apartment use, referencing Article II definition of Accessory Building or Apartment and Article IV, Section 4.042 conditions for Accessory Apartment |
| July 23, 2013         | 2013-003             | Article VI, Section 6.040, Deleted and Replaced with new Section 6.040   |

AMENDMENTS, cont'd

| <u>Date</u>       | <u>Ordinance No.</u> | <u>Amendments</u>   |
|-------------------|----------------------|---|
| February 25, 2014 | 2014-003             | Article IV, Deleted and Replaced Section 4.080 with new Section 4.080, Standards for Signs, Billboards, and other Advertising Structures  |
| March 25, 2014    | 2014-002             | Article V, Amended Section 5.052 (i), Pedestrian Walkways   |
| May 25, 2014      | 2014-001             | Article II, Section 2.020, Added definitions for 'Mini-Storage Facility,' 'Shooting Range, Indoor,' and 'Shooting Range, Outdoor;' Article V, Table 5-A, Amended 'Automobile, Boat, Motorcycle and other Motorized Vehicle Sale or Rental,' and Added 'Outdoor Ranges and Firearms Training Facilities,' 'Indoor Ranges and Firearms Training Facilities,' and 'Mini-Storage Facilities' under Commercial Activities; Article VIII, Section 8.070, Added Subsection I (5) Specific Conditions for Mini-Storage Facilities, (6) Special Conditions for Indoor and Outdoor Ranges and Firearms Training Facilities, Excluding Skeet Shooting, and (7) Special Conditions for Automobile, Boat, Motorcycle and other Motorized Vehicles for Sale or Rental |
| November 24, 2015 | 2015-006             | Article II, Section 2.020, removed definition for "Shooting Range, Outdoor" and addition to definition for "Shooting Range, Indoor"; Article V, Table 5-A and Section 5.051 (1), removed 'Outdoor Ranges and Firearms Training Facilities', renumbering Indoor Ranges to #24 and additional IB zoning district permitted by special exception; and Article VIII, Section 8.030 (C) and (D), amended in part with new language, Section 8.070 (A) and (B) amended in part with new language, and Section 8.070 (I) removed (6) in its entirety and replaced with new language  |
| January 11, 2016  | 2016-002             | Article V, Table 5-A, added reference to the North America Industrial Classification System (NAICS)   |
| July 26, 2016     | 2016-003             | Article II, added Section 2.030, Use Classification System; Article V, Table 5-A, deleted in its entirety and replaced with new Table 5-A   |
| August 23, 2016   | 2016-016             | Article IV, amended Section 4.080, Standards for Signs, Item F, #7, i   |
| October 25, 2016  | 2016-018             | Article VIII, amended Section 8.081, Application for Rezoning, omitting #6 in entirety and shifting #7 up to become the new #6  |
| March 28, 2017    | 2016-026             | Article IV, amended Section 4.080, Standards for Signs, Item F, #7, f & g   |

AMENDMENTS, cont'd

| <u>Date</u>       | <u>Ordinance No.</u> | <u>Amendments</u>   |
|-------------------|----------------------|---|
| March 28, 2017    | 2017-003             | Article II, amended definitions for 'Access,' and added definitions for 'Floodway Fringe' and 'TDEC;' Article III, added new Section 3.120 for 'Stormwater Management and Land Disturbance;' Article V, Section 5.052, amended subsection for On-site Drainage and Erosion Control Measures; Article VI, amended Section 6.020, definition of 'Common Open Space;' Article VIII, Section 8.030 Subsection D #2 by omitting in its entirety and replacing with new language, amending #3 by omitting certain language, and added Subsection H for 'Expiration/Vesting of Site Plans;' and creation of an 'Appendices' for the Zoning Ordinance |
| November 28, 2017 | 2017-019             | Article IV, amended by addition of Section 4.130, Development Standards for Mini-Storage Facilities; Article V, Table 5-A, amended in part by changing Mini-Storage Facilities from uses permitted by special exception in the CA zoning district to uses permitted by right, and deleting the use altogether from the CB zoning district; and Article VIII, Section 8.070, Subsection (I) Specific standards for Activities, deleting part (5) Specific Conditions for Mini-Storage Facilities   |
| November 17, 2020 | 2020-010             | Article VIII, Section 8.030, Subsection D, addition of part 4 for exceptions to Site Plan Review  |
| December 15, 2020 | 2020-011             | Article VI, Section 6.040, Deleted and Replaced with new Section 6.040  |

**ARTICLE I**  
**ENACTMENT**

**SECTION**

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

**1.010 AUTHORITY**

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and 13-7-401 through 13-7-410, Tennessee Code, to regulate, in the portions of Coopertown, Tennessee, which lie inside of the municipal corporation, 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 and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, agricultural, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding; to provide for the orderly and reasonable uses of solar energy in the interest of public health, safety and general welfare; 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 of Coopertown, Tennessee, dated, January 23, 2007. The zoning map shall be referred to as the Official Zoning Map of Coopertown, Tennessee, and all explanatory matter thereon is hereby adopted and made part of this ordinance.

**1.030 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 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 service, recreation, schools, and emergency services;
- I. encouraging the most appropriate uses of land;
- J. enhancing the natural, man-made and historical amenities of Coopertown, Tennessee.

#### **1.040 ENACTMENT**

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

#### **1.050 REPEAL**

Any existing Zoning Ordinance of Coopertown, Tennessee, is hereby repealed. The adoption of this ordinance, however, shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said regulations, as amended, if the violation is also a violation of this ordinance.

**ARTICLE II**  
**DEFINITIONS**

**SECTION**

- 2.010 Scope
- 2.020 Definitions
- 2.030 Use Classification System

**2.010 SCOPE**

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" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- D. The word "lot" includes the words "plot" or "parcel."

**2.020 DEFINITIONS**

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Zoning Ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

**ACCESS (amended by Ordinance 2017-003, March 28, 2017):** The place, means, or way by which pedestrians, bicyclists, and/or vehicles have safe, adequate, and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication, or easement.

**ACCESSORY BUILDING OR APARTMENT (added by Ordinance 2013-002, July 10, 2013):**

- Level 1 Storage building, garages, carports, etc. These buildings will have no permanent partitions or walls constructed as to separate into rooms.
- Level 2 Storage buildings, garages, etc. that have permanent walls for restrooms, offices, laundry areas and recreational areas but no cooking areas permitted. These uses are limited to no more than thirty (30) percent of the building.
- Level 3\* Storage buildings garages, etc. that have permanent walls for restrooms, offices, laundry areas, recreational areas and limited cooking areas. These uses are limited to no more than forty (40) percent of the building and shall meet the conditions

established in Article IV, Section 4.042 and in accordance with Article VIII, Section 8.070.

Level 4\* Accessory apartment that is housed in a separate building located on the site of an existing principal dwelling and include all provisions for a principal dwelling and shall meet the conditions established in Article IV, Section 4.042 and in accordance with Article VIII, Section 8.070.

\* These accessory buildings require a "Conditional Use Permit".

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

ADULT ORIENTED BUSINESS (amended by Ordinance 2010-001, February 23, 2010): An enterprise that involves creation, reproduction, and/or sale for a fee or incidental to another service of goods and services that are characterized by emphasis upon the exposure of "specified anatomical areas" and/or by description or depiction of "specified sexual activities" as defined by this ordinance.

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, roof board, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See SIGN.

AGRICULTURE USE: The use of a tract of land five (5) acres or more in size including 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 wood, provided, however, all health codes of Coopertown are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use nor shall the commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries.

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: 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.

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.

ATTACHED: An enclosure having continuing walls, roof and floor.

**AUTOMOBILE WRECKING:** The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof. Any lot or place of business which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, found.

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

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

**BOARD:** The Coopertown Board of Zoning Appeals.

**BUFFER STRIP:** A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet 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.

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

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

**BUILDING COMMISSIONER:** The Zoning Codes Officer or his authorized representative appointed by the Coopertown Board of Mayor and Aldermen.

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

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

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

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

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

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

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.

CITY COMMISSION: The Coopertown Board of Mayor and Aldermen.

CLINIC: See MEDICAL FACILITY.

CONDITIONAL USE (SPECIAL EXCEPTION): A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, when specific provisions for such use are made in this ordinance. For the purposes of administration of this ordinance, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-107, Tennessee Code.

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 that 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.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, clubhouse, pool, dining facilities, and lounge.

COVERAGE: The percentage of a lot, which is covered by all buildings located therein, including the area covered by all overhanging roofs.

DAY CARE HOME OR CENTER: Any place, home or institution, which receives eight (8) or more unrelated young children for general care, exercise, play or observation.

DEVELOPMENT: Any man-made change to improved and 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 Coopertown, Tennessee, but outside the corporate limits of any municipality for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are in force.

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

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

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

Multi-family apartment or dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

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

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.

Town house means a residential structure containing three (3) or more attached dwelling units separated by a common vertical wall.

Condominium means an apartment building or townhouse containing three (3) or more dwelling units separated by a common vertical wall.

Mobile home dwellings means a detached one-family dwelling with all the following characteristics:

- (1) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (2) Constructed as a single self-contained unit and mounted on a single or combined chassis transportable after fabrication on its own wheels or detachable wheels.
- (3) Arriving at the site where it is to be occupied as dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

Prefabricated dwelling means a single detached dwelling constructed primarily offsite, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary or onsite 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. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.

**FAMILY:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (expecting 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 (4) or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. (See Chapter 24, of Title 13, Tennessee Code.)

**FLOODWAY FRINGE (added by Ordinance 2017-003, March 28, 2017):** The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood. The area between the floodway boundary and the limits of the 100 year floodplain.

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

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 a dead end, 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, 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 Robertson County Department of Environment and Conservation.

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

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See MEDICAL FACILITIES.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

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

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

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied, or to be occupied by one or more principal building and 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 (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty five (135) degrees.

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

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

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

MEDICAL FACILITIES:

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

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

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

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

MINI-STORAGE FACILITY (Added by Ordinance 2014-001, May 27, 2014): A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property, with no commercial transactions other than the rental of storage units.

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

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

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



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.

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

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

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

PLANNED UNIT DEVELOPMENT: A relatively large, interrelated development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land, which may be separated only by a street or other right-of-way.

PLANNING COMMISSION: The Coopertown Municipal Planning Commission.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages, if permanently attached to the principal structure, shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure when the two meet any yard requirement.

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

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

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

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

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

SHOOTING RANGE, INDOOR (Amended by Ordinance 2016-006, November 24, 2015): The use of a facility designed for shooting at targets for the purposes of training, target practice, or competitions and completely enclosed within a building.

SHOPPING CENTER: A group of compatible commercial establishments, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses 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" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit.

Business Sign: A sign that directs attention to the business or profession conducted on the premises.

Billboards: A type of advertising sign having more than one hundred (100) square feet of display surface, which is either erected on the ground or attached to or supported by a building or structure.

Flashing Sign: Any illuminated sign, whether stationary, revolving, or rotating which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

Ground Sign: A sign supported by a pole, uprights, or braces on the ground.

Illuminated Sign: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Indirect Illumination Sign: Any illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light be projected from such artificial source into residence or streets.

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

On-Premises Sign: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

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

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

Roof Sign: A detached sign supported upon the roof or wall of a building.

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

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

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

**SPECIFIED ANATOMICAL AREAS (added by Ordinance 2010-001, February 23, 2010):**

- (A) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- (B) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITY (added by Ordinance 2010-001, February 23, 2010):**

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy;
- (C) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- (D) Flagellation or torture in the context of a sexual relationship;
- (E) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (F) Erotic touching, fondling or other such contact with an animal by a human being; or
- (G) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (A) through (F), above.

**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 of head clearance equals less than fifty (50) percent of the floor area of the story next 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 floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than one-half (1/2) 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.

**TDEC (added by Ordinance 2017-003, March 28, 2017):** The Tennessee Department of Environment and Conservation.

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

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

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

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

**YARD:** An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this 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 parts of the principal building, including porches, and the front lot line.

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

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

ZONING ADMINSTRATOR: The Zoning Codes Officer or his authorized representative appointed by the Coopertown Board of Mayor and Aldermen.

2.030 USE CLASSIFICATION SYSTEM (added by Ordinance 2016-003, July 26, 2016)

The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity classification for any use not listed herein, the Building Official shall make the determination based upon the characteristics of the unlisted use and utilize the best available resources, including the most current North American Industrial Classification System (NAICS) or other sources.

A. Listing of Activity Classifications

All activities are hereby classified into the following activity types:

1. Residential Activities

a. Permanent

Dwelling, Attached  
Dwelling, Single Detached  
Dwelling, Duplex  
Dwelling, Mobile Home  
Dwelling, Multi-Family  
Mobile Home Park

b. Semi-Permanent

Boarding House  
Rooming House

2. Community Facility Activities

Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreation Services  
Essential Service  
Extensive Impact  
Health Care  
Intermediate Impact  
Personal and Group Care Facilities  
Religious Facilities

3. Commercial Activities

Animal Care and Veterinarian Services  
Automotive Parking  
Automotive Service and Repair  
Building Materials and Farm Equipment  
Consumer Repair Services  
Construction Sales and Services  
Convenience Commercial  
Entertainment and Amusement Services  
Financial, Consulting, and Administrative  
Food and Beverage Service  
Food Service - Drive-In  
General Business and Communication Services  
General Personal Service  
General Retail Trade  
Group Assembly  
Medical and Professional Services  
Transient Habitation  
Transport and Warehousing  
Undertaking Services  
Vehicular, Craft, and Related Equipment Sales, Retail and Delivery  
Wholesale Sales

4. Manufacturing Activities

Limited  
Intermediate  
Extensive

5. Agricultural, Resources Production, and Extractive Activities

Agricultural Services  
Crop, Animal and Poultry Raising  
Mining and Quarrying  
Plant and Forest Nurseries  
Commercial Feed Lots and Stockyards

B. Accessory Uses

In addition to the principal activities expressed 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 regulation section of each district as set forth in this zoning ordinance.

C. Residential Activities

1. Permanent Residential

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind

of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this ordinance are permanent residential activities; however, only those dwelling types as indicated by individual district regulations may be permitted therein.

Dwelling, Single Detached  
Dwelling, Two Family Detached  
Dwelling, Mobile Home  
Dwelling, Multi-Family  
Mobile Home Park

2. Semi-Permanent Residential

The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less 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. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state. The following dwelling or rooming unit types as defined by this ordinance are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.

Boarding House  
Rooming House

D. Community Facility Activities

1. Administrative Services

The activities typically performed by governmental, utility, and nonprofit private administrative offices. These activities would include:

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

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations  
Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers  
Temporary Nonprofit Festivals

3. Community Education

The activities typically performed by the following institutions:

Public and Private Nursery Schools  
Kindergarten, Primary and Secondary Schools

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art Galleries  
Libraries  
Museums  
Parks, Playgrounds, and Playfields  
Planetariums and Aquariums  
Recreational Centers and Gymnasiums  
Swimming Pools and Beaches  
Zoological and Botanical Gardens

5. Essential Services

Includes the maintenance and operations of the following installations:

Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Public Transport, Utility and Communication Towers  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities

6. Extensive Impact Facilities

The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

Airports, Air Cargo Terminals, Heliports, or other Aeronautical facilities  
Major Fuel Transmission Lines and Facilities  
Major Mail Processing Centers  
Military Installations  
Public and Private Utility Corporations and Truck Yards, Including Storage Yards  
Railroad Yards and Other Transportation Equipment Marshalling and Storage Yards  
Electricity Generating Facilities  
Electricity Transmission Lines

7. Health Care Facilities

Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals:

Centers for Observation or Rehabilitation  
Hospitals  
Medical Clinics

8. Intermediate Impact Facilities

The 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.

Cemeteries, Columbariums, and Mausoleums  
Colleges, Junior Colleges, and Universities, but Excluding Profit-Making Business Schools  
Commercial Boat Docks, Marinas, and Yacht Clubs  
Country Clubs  
Golf Courses  
Radio and TV Transmission Facilities  
Water Storage Facilities, Water and Sewage Treatment Plants

9. Personal and Group Care Facilities

The activities and facilities to provide for the care of children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Associations for Physically or Mentally Handicapped Persons  
Day Care Centers  
Drop in Center  
Family Child Care Home  
Group Child Care Home  
Group Homes for Physically or Mentally Handicapped Persons  
Nursing Homes and Assisted Living  
Orphanages  
Retirement/Elderly or Rest Homes

10. Religious Facilities

The activities or facilities utilized by various religious organizations (excludes wedding chapels not religiously-affiliated) for worship or community service functions but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. The activities include:

Chapels  
Churches



Convents or Monasteries  
Parsonage  
Sanctuaries  
Synagogues  
Temples

E. Commercial Activities

1. Animal Care and Veterinarian Services

Include the provision of animal care, treatment, and boarding services.

Veterinarian Clinics and Kennels

2. Automotive Parking

Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

Auto Parking Lots  
Parking Garages

3. Automotive Services and Repair

Includes the sale, from the premises, of good and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

Auto Cleaning and Repair Services  
Auto Glass Repair and Replacement Shops  
Auto Inspection and Diagnostic Services  
Auto Paint Shops  
Auto Towing Services  
Car Washes  
Gasoline, Fuel, and Oil Sales and Service  
Radiator and Muffler Shops  
Tire Retreading and Repair Shops  
Wheel Alignment and Transmission Repair Shops

4. Building Materials and Farm Equipment

Includes 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, feed and seed used in agricultural pursuits.

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

5. Consumer Repair Services

Include the servicing and repair of appliance, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile.

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

6. Construction Sales and Services

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

Builder's Supply and Hardware  
Carpenter Contractors  
Concrete Contractors  
Excavation Contractors  
General Building Contractors  
Glazing 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

7. Convenience Commercial

Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed five thousand (5,000) square feet of gross floor area.

Barber Shops  
Beauty Shops  
Drug Stores  
Fruit Stores and Vegetable Markets  
Grocery Stores  
Laundry and Dry Cleaning Pick-up Stations  
Liquor Stores  
News Stands  
Recycling Centers  
Self-Service Gasoline Pumps  
Tobacco Shops

8. Entertainment and Amusement Services

Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facility Activities, and assembled groups of spectators or participants. Excludes adult-oriented businesses.

Art Galleries (Commercial)  
Batting and Golf Driving Ranges  
Shooting Ranges (indoor only)  
Bowling Alleys and Billiard Parlors  
Coin Operated Amusement Arcades  
Dance Halls and Studios  
Exhibition Halls and Auditoriums  
Recording and TV Production Services  
Skating Rinks  
Theaters  
Theatrical Producers, Bands, Orchestras, and Entertainers

9. Financial, Consulting, and Administrative Services

Include 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 also 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.

Agricultural Credit Institution  
Banking and Bank-Related Functions  
Credit Unions  
Holding and Investment Organizations  
Insurance Carriers, Agents, Brokers, and Service  
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

10. Food and Beverage Service

Include the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot, but also prepared food for either home or within a parked car on the same zone lot.

Restaurants  
Taverns  
Drive-In Restaurants  
Fast Food Restaurants with Drive-Thru Service

11. General Business and Communication Services

Include the provision of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but include the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

Advertising Agencies and Services  
Commercial Cleaning Services  
Commercial Testing Laboratories  
Communications 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

12. General Personal Service

Include the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel unless otherwise permitted herein.

Catering Services  
Clothing Rental Agencies  
Health Spas  
Laundry, Cleaning, and Garment Services  
Miscellaneous Personal Services  
Photographic Studios  
Shoe Repair and Hat Cleaning Shops  
Special Training and Schooling Services:  
    Art and Music Schools:

- Barber and Beauty Schools
- Business Schools
- Dancing Schools/Exercise Studios
- Driving Schools
- All other Personal Services
  - Wedding Chapels (not affiliated with any religious facility)
  - Personal Organizer Services
  - Coin-operated personal services machines

13. General Retail Trade

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 in the other classifications herein.

- Antique and Second Hand Merchandise Stores (includes Indoor Flea Markets)
- Automotive Parts (no exterior storage)
- Book and Stationery Stores
- Camera Stores
- Candy, Nut and Confectionery Stores
- Children's and Infant's Stores
- Dairy Products Stores
- Department Stores
- Drapery, Curtain, and Upholstery Stores
- Family Clothing Stores
- Floor Covering Stores
- Florists
- Furniture Stores
- Furriers and Fur shops
- Gift Shops
- Hardware Stores
- Hobby, Toy, and Game Stores
- Household Appliance Stores
- Jewelry Stores
- Luggage Shops
- Meat and Seafood Markets
- Men's and Boy's Clothing and Furnishing Stores
- Miscellaneous Apparel and Accessory Stores:
  - Bathing Suit Stores
  - Custom Tailors
  - Sports Apparel Stores
  - Uniform Stores
- Miscellaneous General Merchandise Stores:
  - Direct Selling Organizations (Includes Farmers Markets and Outdoor Flea Markets)
  - 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  
Radio and Television Stores  
Retail Bakeries  
Sewing and Piece Goods Stores  
Shoe Stores  
Sporting Goods Stores  
Variety Stores  
Women's Accessory and Specialty Stores  
Women's Read-to-Wear Store

14. Group Assembly

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

Amusement Parks  
Commercial Camp Grounds  
Commercial Resorts  
Commercial Sports Arenas and Playing Fields

15. Medical and Professional Services

Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals, the service of which is provided in an office environment.

Accounting, Auditing, and Bookkeeping Services  
Artist Studios (Excluding Commercial Artists)  
Attorneys and Law Offices  
Chiropractor Offices  
Consulting Scientists  
Dental Offices and Laboratories  
Educational and Scientific Research Services  
Engineering and Architectural Services  
Optometrists  
Physicians' Offices and Clinics (Out Patient Services)  
Physiologists and Psychotherapists  
Songwriters and Music Arrangers  
Urban Planning Services  
Writers and Lecturers

16. Transient Habitation

Includes the provision of lodging services to transient guests, having at least seventy (70) percent of its accommodation available on a less-than-weekly basis, other than those classified as residential activities.

Bed and Breakfast Inn  
Hotels

Motels  
Tourist Courts

17. Transport and Warehousing

Includes the provision of warehousing, storage, freight handling, shipping, and trucking services.

Bus and Truck Maintenance and Repair  
Food Lockers  
General Warehousing  
Household Goods Storage  
Mini-Storage Warehouses  
Packing and Creating Services  
Railroad, Bus and Transient Terminals  
Refrigerated Warehousing  
Truck Terminals Freight Handling Services

18. Undertaking Services

Include the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

Funeral Chapels, Funeral Homes, and Crematory Services

19. Vehicular, Craft, and Related Equipment

Includes the retail or wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

Boat and Motor Dealers  
Mobile Home Dealers  
Motor Vehicle Dealers  
Motorcycle Dealers  
Recreational Vehicle and Utility Trailer Dealers

20. Wholesale Sales

Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

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 Vehicles and Automotive Parts and Supplies  
Paper and Paper Products  
Petroleum and Petroleum Products  
Sporting, Recreational, Photographic, and Hobby Goods  
Tobacco and Tobacco Products  
Toys and Supplies

21. Other Performing Arts and Theatres

Includes companies or groups (except dance companies, musical groups, and artists) primarily engaged in producing live theatrical presentations.

Carnival and circus traveling shows  
Comedy Troupes  
Dinner, Mime, and Musical Theatres  
Puppet, repertory, and Summer Theatres  
Vaudeville and burlesque companies  
Adult Oriented Businesses (see definition in Section 2.020)

F. Manufacturing Activities

Manufacturing activities include the on-site production of goods by methods other than agricultural or extractive in nature.

1. Limited Manufacturing Activities

Include the following operations:

- a. The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

Apparel and Accessories  
Art Objects  
Bakery Goods  
Beverages  
Dairy Products  
Instruments for Scientific, Medical, Dental, Engineering, and Other Professional Purposes  
Optical Instruments and Lens  
Printed Matter  
Sign manufacturing

- b. Activities and operations which include the following:

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



Upholstering  
Welding

2. Intermediate Manufacturing Activities

Intermediate Manufacturing Activities include the manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of products with exception to certain activities listed in Extensive Manufacturing Activities. The following activities are also included:

Metals Recycling Facilities  
Recycling Centers

3. Extensive Manufacturing Activities

Extensive Manufacturing Activities include all Intermediate Manufacturing Activities and the following:

Abrasive, Asbestos, and Nonmetallic Mineral Processing  
Ammunition Manufacturing (limited to rimfire, shotgun, and sport-related ammunition)  
Asphaltic Cement Plants  
Automobile Wrecking, Scrap and Waste Materials  
Cement and/or Concrete Plants  
Chemical Manufacturing in Excess of One (1) Ton per Day  
Cotton Ginning  
Cotton Seed Oil  
Fat Rendering  
Foundries  
Grain Milling  
Junk Yards  
Offal Processing  
Ore Reduction  
Organic Fertilizers  
Paper Mills  
Petroleum Refining  
Pulp Manufacturing  
Rolling and Finishing of Ferrous Materials  
Slaughtering of Animals  
Smelting and Refining of Metals and Alloys  
Steel Works  
Solid waste Landfills (generated on site only)  
Tanneries

4. Special Impact Facilities

Special Impact Facilities are activities that consist of the following:

Ammunition Manufacturing (all types)  
Arsenals  
Atomic Reactors  
Biosolids - Handling and Distribution  
Correction and Detention Institutions  
Explosives Manufacturing and Storage

Fireworks Manufacturing  
Hazardous Wastes Storage and/or Transfer  
Munitions  
Radioactive Waste Handling  
Solid Waste Landfills  
Solid Waste Processing and Recycling  
Waste Incinerators, Including Hospital and Medical Waste

G. Agricultural, Resources Production, and Extractive Activities

1. Agricultural Services

Include various activities designed to provide needed services for agricultural uses and are appropriately located in close proximity thereto.

Crop Drying, Storage, and Processing  
Crop Planting, Cultivating, and Protection Services  
Horticultural Services  
Livery Stables  
Riding Stables  
Soil Preparation Services

2. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

3. Crop and Animal Raising

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

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

4. Plant and Forest Nurseries

Includes the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

Forest Nursery  
Plant Nursery

5. Mining and Quarrying

Includes the facilities to crush, separate, or otherwise treat rock, ore, and minerals extracted from the ground.

**ARTICLE III**  
**GENERAL PROVISIONS**

**SECTION**

- 3.010 Scope
- 3.020 Only One (1) Principal Building on Any Lot
- 3.030 Lot Must Abut a Public Road
- 3.040 Reduction in Lot Area Prohibited
- 3.050 Rear Yard Abutting a Public Road
- 3.060 Corner Lots
- 3.070 Future Road Lines
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Buffer Strips
- 3.110 Environmental Performance Standards
- 3.120 Stormwater Management and Land Disturbance

**3.010 SCOPE**

For the purpose of the Zoning Ordinance, the following general provisions which shall apply, except as specifically noted, to the Town as a whole.

**3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY LOT**

Within residential districts only one (1) principal building and its accessory structures may hereafter be erected on any one lot. This provision shall not apply to planned unit developments, group housing developments, and mobile home parks as permitted in this ordinance. On lots used for agricultural purposes which exceed fifteen (15) acres up to two (2) additional dwelling units may be located, for members of the immediate family thereof, or persons employed full-time thereon and their families. The site of each dwelling unit shall meet all minimum lot and yard requirements of the district such that the site can be subdivided from the remaining acreage if necessary.

**3.030 LOT MUST ACCESS TO A PUBLIC ROAD (amended by Ordinance 2012-017, December 18, 2012)**

All buildings and building lots shall have permanent access to a public road. This access must meet one of the following criteria for access and be constructed to maximize sight distance and limited to ensure that traffic congestion as a result of turning movements is reduced to a minimum.

- A. Except as provided in Section 6.030, agricultural and residential lots located on existing roads or those constructed as a part of a subdivision shall front on an accepted public road a minimum of fifty (50) feet, unless the lot abuts a cul-de-sac in which case the frontage shall be forty (40) feet.
- B. Individual agricultural and residential lots are permitted that only have access provided by thirty (30) foot ingress-egress easement. This easement shall only serve one individual building lot and not be part of the required road frontage for another lot.

- C. All commercial, industrial and nonresidential uses are required to have a minimum frontage of fifty (50) feet on any public road. Lots with minimum frontage are encouraged to develop shared access points with adjoining tracts, subject to approval by the planning commission.
- D. Residential subdivisions containing lots meeting the frontage requirements set forth in A or B in this section, but constructing a private road to provide access to each are required to meet the standards of Section 4-108, of the Subdivision Regulations.
- E. In the A, Agricultural District subdivisions of no more than five (5) parcels with a lot size of five (5) acres or greater are permitted provided they meet the following conditions:
  - (1) All lots must meet the minimum setback requirements for an A, Agricultural District, as set forth in Subsection 5.041.
  - (2) Provide a thirty (30) foot ingress-egress easement for these lots and construct a twenty (20) foot double bituminous drive to each lot for access,
  - (3) All private roads shall meet the standards of Section 4-108, of the Subdivision Regulations.
  - (4) Obtain a driveway permit from the Town in accordance with the Coopertown Subdivision Regulations and other Town requirements.
  - (5) Each development containing private roads must adopt a permanent covenant containing a yearly assessment to each lot for the maintenance of the road. Such covenants shall also contain the provisions and requirements by which the owners may petition the Town to accept the private road as a public road.
  - (6) Provide a statement on the recorded plat and covenants stating that the owners of the private road are required to obtain the required right-of-way and bring the road up to current road standards for a residential road as set forth in the Coopertown Subdivision Regulations before petitioning the Town to accept it as a public street.
  - (7) All private roads are required to be a minimum of two hundred (200) feet apart on minor and collector streets and four hundred (400) feet apart on arterial roads.
- F. Residential subdivisions or developments containing lots not meeting the frontage requirements set forth in A or B, in this section, but constructing a private controlled entrance road to provide access to each are required to meet the standards of Section 4-108, of the Subdivision Regulations.

### **3.040 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.

No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be considered as providing such space similarly required for any other structure.

### **3.050 REAR YARD ABUTTING A PUBLIC ROAD**

When the rear yard of a lot abuts a public road, all structures built in that rear yard shall observe the same setback as required for adjacent properties which front on that road. 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 road.

### **3.060 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 road that the side yard of the corner lot faces.

### **3.070 FUTURE ROAD LINE**

For the purpose of providing adequate space for the future widening of roads, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official Coopertown Major Thoroughfare Plan.

### **3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED**

In all districts, on a corner lot within the area formed by the center lines of intersecting roads and a line joining points on such center lines at a distance of ninety (90) feet from the intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each road at the center line thereof. This section shall not be deemed 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. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective road frontage.

All points of access shall be constructed as to provide for proper drainage.

- 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 (20) feet of the right-of-way line of a public intersection.
- D. No curbs or shoulders on Town streets or rights-of-way shall be cut or altered without approval of the Coopertown Road Commissioner, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

**3.100 BUFFER STRIPS**

Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential or agricultural, the developer of said use shall provide a landscaped buffer strip at the point of abutment. Buffers are required between industrial and commercial districts. (See definitions section.) The buffer strip shall be no less than ten (10) feet in width.

**3.110 ENVIRONMENTAL PERFORMANCE STANDARDS**

A. Purpose and Intent

The purpose of this section is to establish standards for development in environmentally sensitive areas, in a manner that provides for reasonable use of the land while retaining to the maximum extent possible the environmentally sensitive portions in a predeveloped state. This is predicated on the concept that land use policy decisions and zoning decisions must be made in the context of the land's characteristics. The choice of residential land uses should be based on site-specific characteristics that coincide with the many available varieties of housing. Commercial land use decision-making, conversely, is likely driven more by market forces, such as location or access, than by site characteristics. It is the intent of this section to offer incentives to minimize environmental disturbance. The requirements and standards of this section are intended to promote low-impact development in the sensitive hillsides and areas of special flood hazard of the community through incentives to preserve these lands in an undeveloped state, to insure protection of special vegetative assets and to promote well-conceived development which recognizes the problem soils of the community.

B. Applicability

(1) **Hillside Development Standards**

The hillside development standards apply to new construction on land in an undeveloped state where natural slopes are of twenty (20) percent or greater.

(2) **Special Flood Hazard Development Standards**

The floodplain development standards apply to new construction where there are special flood hazard areas, as depicted on the Flood Hazard Boundary Maps of

Coopertown. Nothing contained in the official maps of special flood hazard shall prohibit the application of these regulations to lands which can be demonstrated by competent engineering survey to lie within any 100-year floodplain; conversely, any lands which can be demonstrated by competent engineering to lie beyond the floodplain shall not be subject to these regulations.

(3) **Problem Soils Requirements**

The problem soil development standards apply to predevelopment conditions for new development located within the listed soil types as identified in the Robertson County Soil Survey (USDA, Soil Conservation Service).

(4) **Exemptions**

The provisions of this article shall not apply to:

- (a) Any construction, development or use initiated pursuant to any valid building permit or approved final site plan issued or approved prior to the adoption of the amendment that established these provisions as part of the Zoning Ordinance;
- (b) Any essential public utility facility, system or road initiated to provide utility services or access to a property;
- (c) Repairs or replacement to an existing structure or building that does not increase impervious surface area of the site more than twenty-five percent of the existing area or multiple increases of not more than fifty (50) percent in any five (5) year period;
- (d) The construction of a single-family or two-family dwelling unit on a platted lot existing at the time of the enactment of the amendment that established these provisions as part of the Zoning Ordinance; a lot depicted on a preliminary plat of subdivision having a valid approval by the planning commission on the effective date of the amendment that established these provisions as part of the Zoning Ordinance; and subsequently recorded in compliance with that preliminary approval shall also be exempt.

**3.111 Hillside Development Standards**

It is the intent of these regulations to generally limit the use of property with natural slopes of twenty (20) percent or greater due to inherent problems associated with stability, drainage and erosion control. The provisions of Article VI of the Subdivision Regulations are specifically designed to permit reduced lot sizes so as to avoid the necessity of maximizing the site development to achieve the density permitted within the various zoning districts established by this ordinance. It is, however, recognized that steep residential building sites located along bluffs and ridge-lines are often attractive due to the views and isolation. To that end, these regulations are intended to permit use of these steep sites as building locations subject to stringent environmental and engineering controls aimed at protection of property owners and the general public.

1. Single- and Two-Family Dwellings

a) Designation as Critical Lot

Any lot two (2) acres or less in size that is created for use as a building site for a single or two family dwelling shall be considered a "critical lot".

b) Critical Lot Plan Required

Prior to application for a building permit on a lot designated as critical, a plan shall be submitted to the Enforcing Officer for approval. Such plan shall demonstrate, through the use of special design and construction techniques, that a residential structure will be constructed on the lot in a manner which effectively minimizes disturbance of the hillside and optimizes the preservation of mature trees and will not adversely impact the storm water runoff on down slope or adjacent properties. As a minimum such plan prepared by a licensed civil engineer shall contain a preliminary grading study and a description of the measures to be taken:

- To minimize changes in grade, cleared area, and volume of cut or fill, and to control adverse impacts on the critical lots during and following the period of site disturbance.
- To align streets to minimize disturbance of slopes.
- To identify easements along property lines to meet future drainage needs.
- The Enforcing Officer may direct a critical lot plan to the Planning Commission for decision.

c) Grade Changes and Site Stability

Changes to grade, cleared area, and volume of cut and fill on the site shall be minimized. The provisions of Subsections 4-102.9 and 4-102.10 of Section 4-102, of the Subdivision Regulations shall apply to all portions of such developments.

d) Restrictions to Be Noted on Subdivision Plats

All specially noted design, construction and drainage standards shall be incorporated into the preliminary and final subdivision plat approvals, and recorded in the form of a covenant running with the land.

e) Clearing of Trees

The clearing of trees exceeding eight inches in diameter from those natural slopes equal to or greater than twenty-five percent shall be minimized.



f) Minimum Lot Size

Within areas of steep slopes the following minimum lot size provisions shall apply. Where these provisions require lots greater in size than that otherwise required for the zone district, these provisions shall apply.

| NATURAL SLOPE | MINIMUM LOT SIZE              |
|---------------|-------------------------------|
| < 15%         | Requirements of Zone District |
| 15% < 20%     | 1 ACRE                        |
| >20%          | 2 ACRES                       |

2. All Other Development in Residential Districts.

For any multifamily or nonresidential form of development occurring within a residential district manipulation of the natural slopes by grading shall result in reduced lot coverage as shown in Table 3.111-A, for those portions disturbed.

- a) That portion of a multifamily development site containing large contiguous areas of natural slopes of twenty-five percent or greater shall be permanently maintained in a natural state. The clearing of trees exceeding eight inches in diameter from those natural slopes shall be minimized by sensitive construction techniques.
- b) The use of retaining walls, rip-rap or hydraulically applied concrete to stabilize slopes within multifamily developments shall be screened.

**TABLE 3.111-A**

**LOT COVERAGE ADJUSTMENTS (RESIDENTIAL DISTRICTS)**

**(Slope Adjustment Factor) X Maximum Lot Coverage = Adjusted Lot Coverage Permitted**

| Natural Slope | Adjustment Factor | X | Maximum Lot Coverage for District (as % of lot area) | = | Adjusted Lot Coverage Permitted |
|---------------|-------------------|---|--|---|---------------------------------|
| < 15%         | 1.0               |   |  |   |                                 |
| 15 < 20%      | .66               |   |  |   |                                 |
| 20 < 25%      | .33               |   |  |   |                                 |
| 25% +         | 0.0               |   |  |   |                                 |

\* For the purposes of calculation, slopes may be averaged for the entire lot area employing slope contour intervals of two feet.

3. Nonresidential Sites.

a) General

In all nonresidential zoning districts, manipulation of the natural slopes by grading shall result in reductions of permitted lot coverage for those portions disturbed as shown in Table 3.111-B.

**TABLE 3.111-B**

**LOT COVERAGE ADJUSTMENTS (NONRESIDENTIAL DISTRICTS)**

**(Slope Adjustment Factor) X Maximum Lot Coverage = Adjusted Lot Coverage Permitted**

| Natural Slope | Adjustment Factor | X | Maximum Lot Coverage for District (as % of lot area) | = | Adjusted Lot Coverage Permitted |
|---------------|-------------------|---|--|---|---------------------------------|
| < 15%         | 1.0               |   |  |   |                                 |
| 15 < 20%      | .66               |   |  |   |                                 |
| 20 < 25%      | .33               |   |  |   |                                 |
| 25% +         | 0.0               |   |  |   |                                 |

\* For the purposes of calculation, slopes may be averaged for the entire lot area.

b) Grading Standards for Hillside Sites in Nonresidential Zone Districts

For lots or parcels containing natural slopes of twenty (20) percent or greater, approval of a final site plan shall be based upon a demonstration that the development plan minimizes unnecessary disturbance to those slopes in the placement and orientation of building and parking areas. Architectural and engineering features which reduce unnecessary encroachment on steep slopes may include, but are not limited to, the use of retaining walls and structural foundations to return to natural grade. The use of retaining walls, rip rap or hydraulically applied concrete to stabilize slopes on nonresidential sites shall be screened

**3.112 Development Standards for Flood Hazard Areas**

1. Single- and Two-Family Dwellings

a) Applicability

Any lot or parcel less than five (5) acres in size that is created for use as a building site for a single or two family dwelling shall be considered a "critical lot" and no land area located within an area of Special Flood Hazard prior to manipulation shall be used to satisfy minimum lot size requirements of the district after manipulation.

b) Site Development Plan Required

Approval of a site development plan containing the information required by Section 8.030, shall be based upon a demonstration that the proposal complies in all respects with the provisions of Section 6.040.

c) Cluster Lot Option

Residential lots may be clustered on portions of a site outside the unmanipulated area of Special Flood Hazard. Within such developments, the provisions of Section 6.030 shall apply. Portions of the development site that are located within an area of Special Flood Hazard shall be retained as open space.

d) Use of Floodway and Floodplain Areas

Protected floodway and floodplain areas may be manipulated for the purpose of installing public greenways, public parks, private parks, golf courses, and state certified wetlands. All development shall be undertaken consistent with the flood insurance standards and requirements of the Federal Emergency Management Agency, as necessary, to maintain the eligibility of the federal flood insurance program.

2. All Other Development in Residential Districts.

For any multifamily or nonresidential form of development occurring within a residential district manipulation of areas of Special Flood Hazard shall result in the reductions in density indicated in Table 3.112-A, for those portions disturbed:

**TABLE 3.112-A**

**DENSITY ADJUSTMENTS (RESIDENTIAL DISTRICTS)**

**(Standard Density) x (Adjustment Factor) = Effective Density**

| Floodplain Relationship                | Standard Density for Zoning District |   | Adjustment Factor |   | Effective Density |
|--|--------------------------------------|---|-------------------|---|-------------------|
| Above Flood                            |                                      | X | 1.0               | = | Effective         |
| Predevelopment Floodplain, Undisturbed |                                      | X | 1.0               | = | Effective         |
| Predevelopment Floodplain, Disturbed   |                                      | X | .5                | = | Effective         |
| Predevelopment Floodway, Undisturbed   |                                      | X | 1.0               | = | Effective         |
| Predevelopment Floodway, Disturbed     |                                      | X | 0.0               | = | Effective         |

3. Nonresidential Sites

In all nonresidential districts, manipulation of Special Flood Hazard areas shall result in the reductions in allowable Floor Area Ratio (FAR) indicated in Table 3.112-B, for those portions disturbed.

**TABLE 3.112-B**

**FLOOR AREA RATIO ADJUSTMENTS  
(NONRESIDENTIAL DISTRICTS)**

**(Floodplain Adjustment Factor) X Maximum Lot Coverage = Adjusted Lot Coverage**

| Floodplain Relationship | Floodplain Adjustment Factor | X | Maximum Lot Coverage for District (as % of lot area) | = | Adjusted Lot Coverage Permitted |
|-------------------------|------------------------------|---|--|---|---------------------------------|
| Above Flood             | 1.0                          |   |  |   |                                 |
| Floodplain, Undisturbed | 1.0                          |   |  |   |                                 |
| Floodplain, Disturbed   | 0.5                          |   |  |   |                                 |
| Floodway, Undisturbed   | 1.0                          |   |  |   |                                 |
| Floodway, Disturbed     | 0.0                          |   |  |   |                                 |

**3.113 Development Standards for Areas of Problem Soil**

1. Wetlands and Unstable Soils

Lots or parcels where the following soils are indicated by the Robertson County Soil Survey (U.S.D.A., Soil Conservation Service), shall be considered a "critical lot". Any application for approval of a Master Development Plan, a Final Site Development Plan or a plat of subdivision shall be accompanied by a geotechnical report. Both the development plan and the geotechnical report shall be certified by a Geotechnical Engineer licensed by the State of Tennessee. The Geotechnical Engineer shall certify that the construction techniques adequately mitigate any potential soil hazards identified in the report.

**SOIL TYPE**

**CHARACTERISTICS TO BE  
ADDRESSED IN PLAN OR REPORT**

**3.120 Stormwater Management and Land Disturbance (added by Ordinance 2017-003, March 28, 2017)**

Intent/Application

1. It is the intent of this article to protect the health and safety of residents and adjoining or nearby property in the Town, including land, waterways, hills and vegetation through the regulation of stormwater management, land disturbance and erosion prevention/sediment control (EPSC) measures. Land disturbance and other forms of site clearing, grading, trenching and excavation can contribute to the degradation of land surfaces and streams, erosion, siltation, earth slides, mud flows, dusty conditions, clogged storm sewers, additional road maintenance cost, increased water runoff and localized flooding. Stormwater management and EPSC measures shall be accomplished to mitigate the effects that may result from land disturbance, changes to land and development.
2. Except as otherwise provided for, the following regulations shall apply in all zoning districts and overlay districts of the Town. This applies to subdivisions, site plans and other forms of land disturbance and development.

### **3.121 Land Disturbance/Grading Permit**

1. A Land Disturbance/Grading Permit is required except as otherwise exempted for Single Family Detached Homes, Two-Family Attached Homes and agricultural exemptions. A Land Disturbance/Grading Permit is required before any individual, property owner or other legal entity shall engage in any land disturbing activity which will modify the existing grade and/or may result in increased soil erosion or sedimentation including, but not limited to, clearing, stripping, grading, excavation, trenching, transporting and filling unless this permit has first been obtained from the Building Commissioner or designee. The owner of the property or his representative shall complete an application for the permit on forms provided by the Building Commissioner and shall submit a proposed Land Disturbance/Grading Plan with the application. The entity or entities listed on the permits shall be responsible for compliance with the permit. The Land Disturbance/Grading Permit does not preclude additional permits or authorization required by Federal entities, the State of Tennessee or the Town. The Town shall delay issuance of the Town's permit pending the receipt of Federal and/or State permits.
2. The Land Disturbance/Grading Permit is required when the cumulative total of the land disturbance areas totals 1.0-acre or more in area.
3. The Town may impose fees by ordinance in order to defray costs associated with the processing and review of permits and for inspections.
4. A Land Disturbance/Grading Permit shall become void six (6) months after the date of issuance unless substantial progress has been made on the project by that time.

### **3.122 Land Disturbance/Grading Plan**

The Land Disturbance/Grading Plan shall comply with the minimum general and technical requirements set forth in this section. The Building Commissioner may require additional information if deemed necessary and appropriate prior to the issuance of a permit.

1. A Land Disturbance/Grading Plan is required except as otherwise exempted from the requirements of this Zoning Ordinance. Site Plans Required for One- and Two-Family Detached Houses and Individual Mobile Homes as defined in Article 8.030 are exempt from this article 3.122 however one- and two-family detached houses and individual mobile homes must provide, install and maintain erosion prevention and sediment control measures. The plan shall identify the specific and appropriate erosion prevention practices and sediment trapping facilities proposed for the site to be disturbed as well as a schedule for implementation and maintenance. The plan shall also identify initial, interim and final stabilized phases for the site. The plan shall also include both temporary and permanent stormwater management facilities to include, but not limited to, detention or retention, water quality and sediment containment.
2. The Town requires that a Land Disturbance/Grading Plan and related calculations shall be designed by a TN licensed engineer.
3. EPSC and stormwater management measures and facilities shall be designed and provided in accordance with generally accepted engineering practices and the requirements of this article.

4. Natural vegetation and trees shall be retained and protected whenever feasible and as determined by the Planning Commission. If an area is disturbed during construction, any exposed area shall be limited to the smallest area practical and the duration of the exposure limited to the shortest time practical.
5. It shall be at the discretion of the Building Commissioner or designee to determine how much information is necessary to obtain a permit. Refer to other checklists and plan requirements in this Zoning Ordinance and Subdivision Regulations.

At a minimum, the following information shall be required.

- (a) Name, address, telephone number, and facsimile number if applicable of the permit holder, and the owners and developer; (if other than the permit holder, for the property).
- (b) The contact information, registration seal and signature of the engineer, who prepared, designed the plan.
- (c) A written narrative project description.
- (d) Calculations and reports related to stormwater management, drainage, conveyance and EPSC related measures and facilities.
- (e) The Construction Plans shall be to a scale no less than one inch equals 50 feet unless otherwise approved by the Building Commissioner, including existing and post-development topographic conditions. The contour interval shall be no greater than a 2-foot interval. The plan shall include off-site existing topographic conditions extended to a minimum of 50 feet beyond the boundaries of the subject tract of land if grading is designed to be within 20 feet of any boundary line. The pre-development topographic survey shall also include information on all public roads adjoining the subject property. The topographic data shall be obtained by field survey or aerial photography (2-foot contour interval) that is acceptable to the Building Commissioner.
- (f) The site location, boundaries, adjacent property owners, the zoning classification & use of the adjoining properties, location of any existing or proposed buildings or structures on the property, floodplain areas, ditch lines and any existing on-site and off-site structural or natural features of the land which have a significant impact on drainage or sediment control.
- (g) The location and a description of temporary and permanent erosion control measures and drainage appurtenances to be constructed and structural changes and improvements to the land, including clearing and grading limits, daily cleanup and site control practices and other activities to mitigate the adverse impact of land disturbance.
- (h) If required by the Building Commissioner a geotechnical report shall be provided as part of the Land Disturbance/Grading Plan submittal and review. The geotechnical report shall be prepared by a Tennessee licensed engineer, qualified to perform geotechnical engineering.
- (i) Construction entrance pads shall be provided to include a stabilized stone pad placed at any point where traffic will be entering and leaving a construction site to or from a public road prior to the initiation of any land disturbance or grading work. Stone construction entrance pads shall contain ASTM-1 stone, six inches thick (minimum) with geotextile fabric, and shall be placed from the public road into the construction site a minimum width of 12 feet and length of 100 feet unless otherwise approved by the Building Commissioner. Construction of single-family detached homes and two-family attached homes shall have a stone pad placed with a minimum width of 12 feet and length of 50 feet unless otherwise approved by the Building Commissioner. These pads shall be maintained and/or reconstructed when they lose effectiveness.

Stormwater culverts with headwalls may be required dependent on the site-specific conditions.

- (j) Permanent cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes will be reviewed for the measures used to stabilize slopes and may include rock riprap, geo-textile fabric, rolled erosion control products or other acceptable method approved by the Building Commissioner.

### **3.123 Stormwater and Drainage Design**

#### **1 - Overview**

Each development shall provide for the detention of incremental stormwater runoff resulting from that development. For the purposes of this ordinance, incremental stormwater runoff shall include all increases resulting from the following:

- (a) an increase in the impervious surface of the site
- (b) changes in soil absorption caused by compaction during development
- (c) modifications in contours, including the filling or draining of small depression areas, sink holes, ponds and alterations of drainage ways or natural water courses and regrading of slopes
- (d) destruction of forest
- (e) alteration of drainage ways or installation of collection systems to intercept road flows or to replace swales or other drainage ways or
- (f) the alteration of subsurface flows, including any groundwater dewatering or diversion practices such as curtain drains, compared with the site in its natural state

Stormwater management systems shall be designed to accomplish the following:

- (a) Account for both offsite and onsite stormwater run-off.
- (b) Where feasible maintain natural topographic and watershed divides
- (c) Convey stormwater to a stream, natural channel, or other existing facility in a manner that does not cause flooding or erosion
- (d) Discharge stormwater into the natural channel by connecting the channel at natural elevations, or by discharging the stormwater into an existing facility of sufficient capacity
- (e) Determination of the size and capacity of an adequate stormwater management system that takes into account the future development in the watershed or affected portions thereof
- (f) Define areas where concentrated flows are existing pre-development and are created as part of the development project
- (g) Be maintainable which shall include the access to the facilities and operational area for maintenance at the facilities.

#### **2 – Minor Stormwater Management System**

Minor Stormwater Management System (Minor System) A minor system, which is sometimes termed the "initial system", consists of a wide variety of drainage appurtenances that include but are not limited to inlets, manholes, street gutters, street ditches, swales, small channels, pipes, culverts and storm sewers less than 54-inch diameter or equivalent diameter. This system serves to collect the initial storm water runoff and convey it to an outfall within a major system.

The design of the minor storm water drainage system shall be based on a storm frequency of the 10 year 24-hour storm. This criterion shall be applied to both closed conduit and open channel systems. However, if the 10-year design flow for an open channel system is greater than 100 cubic feet per second (cfs), then the open and/or closed system shall be capable of passing the 100-year design flow within a drainage easement that is sized based upon 100-year water surface elevation defined in the drainage calculations.

Systems relying on sinkholes or drainage wells for stormwater discharge shall be capable of passing the 100-year design flow within a drainage easement that is sized based upon 100-year water surface elevation defined in the drainage calculations, assuming plugged conditions (zero cfs drawdown) for the sinkhole.

The design of the minor system surface runoff across lots shall not have erosive velocities. Surface runoff greater than 4 cfs that flow through lots shall be collected and conveyed in a system of open channels, closed conduits, or a combination of both and shown on the construction plans. Fences, buildings, berms and other obstructions are not permitted to be located within a minor or major drainage way

### 3 – Major Stormwater Management System

Major Stormwater Management System (Major System) A major system primarily consists of natural waterways, large storm sewers (54-inch diameter or equivalent and greater), major stormwater channels, and large water impoundments. In addition, a major system includes some less obvious drainage ways such as overland relief swales and infrequent temporary ponding at storm sewer inlets. A major system includes not only the trunk line drain which receives the water from minor systems, but also the natural backup or surcharge areas which function in case of overflow from or failure of the minor system. Good planning and designing of a major system is to be accomplished to mitigate major damage and loss of life from storms having a one percent chance (a 100-year frequency storm) of occurring in any given year. A major system will function as a drainage basin, whether or not it has been planned and designed, and whether or not development is situated wisely in respect to it.

Wherever possible, natural waterways serving the major system should remain undisturbed, with proposed development designed to maintain these areas. Detention and or retention facilities will need to be provided to avoid discharges that exceed the capacity of natural waterways. Channelization and other related modifications to the natural waterways are discouraged and may require approval from TDEC. Improvements to natural open channels that are part of a major system shall be designed to pass the 100-year 24-hour storm design flow without damage to the channel. Man-made channels designed to function as the major system shall be capable of carrying a 100-year design flow 24-hour storm. Where man-made channels are necessary, the channels should be located as far away from buildings or structures as possible and preferably in established open space or common areas.

The development shall be designed such that no building will be flooded with a 100-year design flow even if the minor system capacity is exceeded. The 100-year frequency storm shall be used to compute runoff for the design of the major stormwater management system. This system shall be designed for areas to be graded in such a manner or buildings located or constructed in such a manner that if the capacity of the minor system is exceeded, no building will be flooded with a 100-year design flow. Critical areas to consider as potential areas for flooding are sumps, relatively flat areas, and areas where buildings are located below embankments, streets



or parking lots. Surcharge calculations and evaluations shall be part of the calculations submitted to the Building Commissioner with the Construction Plans.

#### 4 – Stormwater Detention / Retention Basins

Stormwater detention or retention is required to protect downstream properties from flood increases due to upstream development and future development. The design is required to control peak flow at the outlet of a site such that post-development peak flows are equal to or less than pre-development peak flows for a 24-hour storm event for each of the following design storm frequencies: 2-year, 5-year, 10-year, 25-year 50-year and 100-year design storms.

The release rate from any detention or retention facility is to be designed to be equivalent to or less than that of the site prior to the proposed development for a 24-hour storm event for the 2-year 5-year, 10-year, 25-year, 50-year and 100-year design storms, with emergency overflow capable of handling at least the 100-year discharge.

Detention or retention facilities must be constructed during the first phase of developments to eliminate damage to adjacent properties during construction. In this regard, the detention facilities shall be designed to function as temporary sediment traps and cleaned out to proper volumes before the project will be considered complete. If siltation has occurred, the detention facilities must be restored to their design dimensions after construction is complete.

The detention facilities are to be designed with a sediment forebay area.

Pump systems for detention or retention facilities shall not be permitted.

A TN licensed engineer must state in writing to the Building Commissioner that the detention facilities are constructed in substantial accordance with the Construction Plans. The substantial completion letter from the engineer shall be based upon field survey data obtained at the completion of construction. Photographs and a copy of the as-built survey shall be provided with the certification.

Record Survey Required of Detention or Retention: A record survey of the stormwater detention and/or retention facilities shall be performed by a licensed TN Surveyor. The drawing shall show and compare the approved plans design contours and data to those surveyed as part of the record survey. The drawing shall be provided to the Building Commissioner for evaluation to determine if the detention or retention facilities have been constructed in substantial conformance with the approved Construction Plans. The permit holder may also submit supporting documentation from a TN licensed engineer. The determination of substantial completion shall be made by the Building Commissioner. The permit holder will bear the costs should additional engineering, surveying and construction work be required by the Building Commissioner if the facilities are determined to not be in substantial conformance with the approved plans.

Should the Building Commissioner determine that the facilities are not in substantial conformance with the approved plans, then the Building Commissioner may withhold Building Permits and/or Certificates of Occupancy for any facility or building within the project limits and the Planning Commission may withhold any reduction or release of performance surety or maintenance surety.

## 5 – Water Quality Requirements

Developments shall address stormwater quality within the Stormwater Report and the Construction Plans. The first flush volume (first 1-inch of runoff) shall be captured and then slowly released. The release rate should be over a 24 to 48 hour period. Detention and retention facilities or other techniques may be used if acceptable to the Building Commissioner.

## 6 – Drainage Calculations and Flood Studies

Drainage Calculations are required as part of the Land Disturbance/Grading Plan submittal. These calculations are required to be sealed by a TN licensed engineer. Calculations and reports shall be bound and submitted in a neat and orderly manner. Calculations and reports should include the following as a minimum for submittal:

- (a) An original or color copy of a USGS topographic quad map with the project boundary drawn on the map. Scale of 1-inch = 2000-ft.
- (b) Overview maps and drainage maps with topography depicting the pre-development drainage areas and the post-development drainage areas
- (c) Summaries of findings and conclusions shall be provided in both narrative format and a tabular format
- (d) Drainage area calculations to include area(s) in acres, runoff coefficients, a description of runoff calculation methods used including rainfall intensity, and runoff (Q) used in calculations
- (e) Energy Dissipation Design
- (f) General photographs of the site and key drainage conveyance features and streams
- (g) Summary of 100-year event high water elevations if open channel flow is present
- (h) Stormwater detention/retention calculations with tabular summary of pre-development and the post-development flows. The post-development flows shall be clearly itemized to show routed-flows and by-passed flows if any.
- (i) Other information as requested by the Building Commissioner or required by this Zoning Ordinance or Subdivision Regulations
- (j) The Coopertown Municipal Planning Commission will determine if a Flood Study will be required. If a Flood Study is required, with expert assistance, the applicant shall have a report prepared by a Tennessee licensed engineer on any proposed site containing or abutting a flood-prone area. Such report shall estimate the discharge of the regulatory flood, determine the specific flooding threat at, and in the vicinity of, the proposed project site; and indicate whether the site is located in a floodway or floodway fringe area by:
  - (1) Calculation of water surface elevations and regulatory flood protections based upon a hydraulic analysis of the capacity of the stream channel and over-bank areas to convey the 100-yr flood event.
  - (2) Computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one foot at any point.
  - (3) Defining and showing on drawings the limits of the floodway, the limits of the floodway fringe areas and the associated regulatory flood elevations and regulatory flood protection elevations.
  - (4) Unless otherwise established or justified, computation of increases in flood heights caused by any encroachment shall be based upon the evaluation and justification by a Tennessee licensed engineer's study and report. No increase in flood storage attributable to encroachments on the floodplain of

any river or stream shall be permitted in any one reach or for the cumulative effect of several reaches

#### 7 – Drainage Culverts Within the Public Road Right-of-Way

Culverts (pipe) that will be within the public road right-of-way shall be reinforced concrete pipe (RCP) as per ASTM C76. Culverts within or crossing a roadway shall be based upon a design report and calculations prepared by a TN licensed engineer; however the minimum culvert size shall have a diameter, or equivalent diameter, of eighteen (18) inches. All culverts within an open channel flow condition shall be installed with concrete headwalls on both the inlet end and outlet end of culverts.

#### 8 – Drainage Inlets

Drainage inlets shall be designed and located to limit the spread of water on the roadway based upon a 10-yr 24-hour storm event with a maximum 8-ft of spread from the curb face. Inlet grates shall also be designed to accommodate bicycle and pedestrian traffic.

Catch basins/curb inlets at low points along the roads and at the end of cul-de-sacs are to be a minimum double inlet catch basins/curb inlets on each side of the road. In low points the adjustment in the curb line to facilitate a sump condition can be used.

#### 9 – Best Management Practices (BMPs)

The TN Department of Environment & Conservation (TDEC), stormwater associations and other counties and municipalities have compiled Best Management Practices (BMPs) for Stormwater Management. These resources are readily available, many of which can be directly accessed through various websites. Those BMPs are designed to assist contractors, developers, and various businesses and industries to comply with the guidelines set forth by the National Pollution Discharge Elimination System (NPDES) rules and regulations. Those BMPs should serve as the major tool to insure that appropriate erosion prevention and sediment control (EPSC) installation, maintenance and repairs are followed during the design and construction of development, subdivision and road construction projects.

#### 10 – Ditches

Erosion Prevention and Sediment Control is a significant issue during and after construction for ditches. Adherence to Best Management Practices (BMPs) for ditches is required at all times during the construction of ditch sections to ensure that slopes and channels will continue to function adequately.

#### 11 – Temporary and Permanent Stabilization and Vegetation

The Land Disturbance/Grading Plans and/or the TDEC Stormwater Pollution Prevention Plan (SWPPP) shall address temporary and permanent stabilization and vegetation requirements and specifications. Timeframes, notes and details shall be included in these plans as a minimum. The Developer and/or the Contractor are required to apply the initial applications, provide maintenance and repairs and to re-apply applications as many times as necessary to accomplish stabilization and vegetation to the satisfaction of the Building Commissioner.

### 3.124 Stormwater Detention / Retention Long Term Operation and Maintenance

Long term operation and maintenance of stormwater detention and/or retention facilities is a requirement and shall be part of the project approvals. The Town will provide a Stormwater Operation and Maintenance Agreement for execution by the project's Responsible Party. The Responsible Party is defined as the property owner(s), Homeowners' Association (HOA) or similar organizational structure and their successors and assigns that are responsible for compliance with the Stormwater Operation and Maintenance Agreement. The Responsible Party shall be required to maintain the stormwater detention and/or retention facilities in perpetuity. This includes maintaining the orifices, weirs and discharge areas in a working and non-plugged state. This also includes, but is not limited to, maintaining vegetation and cleaning debris, silt, trash etc. from the stormwater management facilities and for the long-term operation and maintenance of stormwater infrastructure located in drainage easements or Open Space. **The intent of this Zoning Ordinance is that all development projects shall have the stormwater detention and/or retention facilities located in Open Space or Common Area of the development.**

A long term operation and maintenance plan shall be submitted in writing for the approval by the Building Commissioner. The plan shall be in recordable form, and shall, in addition to any other requirements or terms deemed necessary by the Building Commissioner, contain a provision permitting inspection at any reasonable time by the Building Commissioner of the facilities deemed critical to the public welfare. The plan shall include a schedule for inspections (annual minimum), list of items to be checked, drawings and photos of the facilities, and budgetary line items to cover inspection, reporting and maintenance costs. The records shall be maintained by the Responsible Party and shall be made available to the Building Commissioner and others with common interest in the development.

Long Term Operation and Maintenance Plans for residential development shall be submitted and recorded with the Final Plat.

Long Term Operation and Maintenance Plans for non-residential development shall be submitted and recorded prior to the issuance of a Building Permit.

Long Term Operation and Maintenance provisions of the stormwater infrastructure shall be documented in the restrictive covenants for the project area.

The Responsible Party for the stormwater management facilities shall be required to execute an Operation and Maintenance Agreement and pay fees to the Town for the recording of the executed agreement. The Building Commissioner shall record the agreement along with the Operations and Maintenance Plan with the Robertson County Register of Deeds after fees are paid.

### 3.125 Inspections, Observations and Compliance

1. The Permit Holder of the Land Disturbance/Grading Permit it successors and assigns shall:
  - (a) Make sure that contractor and/or other representatives are familiar with the stormwater management facilities design and operations & maintenance plan. Also the Permit Holder shall review the construction in sufficient detail to confirm that the construction is as specified. Inspection and observations by the Permit Holder shall occur as frequently as necessary to assure that the construction conforms to the plans and specifications. Inspection and

observations shall be by qualified technical personnel experienced in the inspection of similar facilities and projects.

- (b) Provide in writing an anticipated phasing plan and schedule of the land disturbance/grading activities from initiation to completion. The Permit Holder shall promptly notify the Building Commissioner in writing if there are any changes to the schedule or delays associated with the phasing plan; and
  - (c) Conduct periodic inspections and maintenance of the installed EPSC measures and stormwater management measures during construction and of nearby downstream facilities, to determine if such measures are functioning properly. Any damage or impacts to downslope property caused by failed or improperly functioning measures shall be immediately addressed by actions that include, but are not limited to, providing additional measures, repair and maintenance of facilities, cleaning or repair of facilities and other areas that have been affected off-site or on-site.
  - (d) Pay the fees and costs charged by the Town or any utility or agency for permits and/or inspections and testing related to the project.
2. The Town has the authority and may enter upon any site and periodically make inspection of any project area before, during and after construction to ensure compliance with the requirements of this article and the authorized Land Disturbance/Grading Permit. If the Town determines that significant erosion problems are occurring on the site or off-site despite compliance with approved protective practices, the Permit Holder shall be required to take additional corrective actions to protect the adversely affected areas. The specifications of the additional measures shall be part of an amendment to the Land Disturbance/Grading Permit.
  3. The Permit Holder is responsible for the implementation of measures to prevent the tracking of and deposition of mud, soil, rock and other materials/debris to streets. When this occurs the Permit Holder is responsible for immediately cleaning the streets. The Permit Holder is responsible for its agents, consultants, contractors and subcontractors.
  4. If it is determined by the Building Commissioner that the Permit Holder has failed to comply with the Land Disturbance/Grading Permit, a letter shall be served upon the Permit Holder in writing by the Building Commissioner, setting forth the items that need to come into compliance and specifying time for such compliance. Where an immediate threat to public health and safety exists, verbal notice given by the Building Commissioner or designee, to immediately correct the problem shall be sufficient, but the verbal notice will be followed by written notice. Failure to comply within the time specified shall subject the Permit Holder to a Stop Work Order from the Building Commissioner which shall remain in effect until the work in progress is in compliance with the Land Disturbance/Grading Permit. The issuance of a Stop Work Order by the Building Commissioner shall not preclude other remedial or punitive actions which may be taken under this Zoning Ordinance or state law.

### **3.126 Areas with Soil Erosion**

Upon written notification from the Building Commissioner, the owner of any parcel of land that exhibits unstable or eroding soil conditions that is determined by the Building Commissioner to have an impact on other properties, public right-of-ways or watercourses shall have the problems corrected within 90 calendar days from receipt of official notification from the Building Commissioner. Upon written request to the Building Commissioner, the period for correction may be extended if seasonal conditions warrant and the owner has temporary EPSC measures installed and

maintained to mitigate the problems until the permanent measures are completed. Minimum corrective measures may include stabilizing and re-vegetating all exposed soil surfaces. Before commencing corrective measures, the owner shall consult with the Building Commissioner to determine an acceptable method of correction. A permanent plan for erosion control shall be submitted to the Building Commissioner for review and approval prior to initiation of corrective measures.

## ARTICLE IV

### SUPPLEMENTARY PROVISIONS

#### SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading and Unloading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Accessory Use Regulations
- 4.050 Gasoline Service Station Restrictions
- 4.060 Swimming Pool Restrictions
- 4.070 Development Standards for Group Housing Projects
- 4.080 Standards for Signs, Billboards, and Other Advertising Structures
- 4.090 Development Standards for Mobile Home Parks
- 4.100 Development Standards for Automobile Wrecking, Junk and Salvage Yards
- 4.110 Development Standards for Cemeteries
- 4.120 Minimum Design Standards for Transmission and Communication Towers and Stations
- 4.130 Development Standards for Mini-Storage Facilities

#### **4.010 OFF-STREET PARKING REQUIREMENTS**

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

- A. Single Detached Dwelling and Duplex  
Not less than two (2) spaces for each dwelling unit.
- B. Apartment, Townhouse, and Condominium  
Not less than two (2) spaces per dwelling unit.
- C. Boarding Houses and Rooming Houses  
Not less than one (1) space for each (1) room to be rented.
- D. Other Dwelling Units  
Not less than two (2) spaces per dwelling unit.
- E. Hotels, Motels and Other Tourist Accommodations  
Not less than one (1) space for each room to be rented plus one (1) additional space for each two (2) employees.

F. Any Auditorium, Church, Stadium, or Other Place of Public Assembly

Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use should be provided.

G. Manufacturing, Industrial or Wholesaling Use

Not less than one (1) space for each (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.

H. Office and Professional Buildings

Not less than one (1) parking space for each two hundred-fifty (250) square feet of office space, or fraction thereof.

I. Retail Sales and Service Establishments

Not less than one (1) parking space for each two hundred (200) square feet, or fraction thereof, of floor space.

J. Medical or Dental Clinic

Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.

K. Service Stations

Not less than five (5) spaces for each grease rack or service bay, or one (1) space for each fifteen hundred (1,500) square feet of lot area of fraction thereof, whichever is greater.

L. Restaurants

Not less than one (1) space per one hundred fifty (150) square feet floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each two(2) employees.

M. Shopping Centers

Five and one-half (5 1/2) parking spaces for each one thousand (1,000) square feet of gross floor area.

N. Other Structures or Uses Customarily Requiring Automobile Storage Areas

For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.



**4.011 Certification of Minimum Parking Requirement**

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

**4.012 Combination of Required Parking Spaces**

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one use may not be assigned to another use, except that the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

**4.013 Requirements for Design of Parking Lots**

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than one hundred-sixty-two (162) square feet in area.
3. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090, of this ordinance.
4. 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.
5. A parking lot for commercial or industrial uses containing ten (10) or more spaces shall be suitably paved with an all weather wearing surface or dust-free material.

**4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

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

| <b><u>Total Usable Floor Area<br/>for Principal Building</u></b> | <b><u>Spaces Required (See Article II for<br/>definition of 'Loading Space')</u></b> |
|--|--|
| 0 to 4,999 sq. ft.   | One (1) space  |
| 5,000 to 9,999 sq. ft.   | Two (2) spaces   |
| 10,000 to 14,999 sq. ft.   | Three (3) spaces   |
| 15,000 to 19,999 sq. ft.   | Four (4) spaces  |
| Over 20,000 sq. ft.  | Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.               |

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

#### **4.030 TEMPORARY USE REGULATIONS**

The following regulations are necessary to govern the operation of certain necessary or seasonal uses, nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Board of Zoning Appeals through the office of the Building Commissioner. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits that follow and to the regulations of any district in which such use is located.

A. Carnivals or Circuses

May obtain a Temporary Use Permit in the Agricultural, Commercial, or Flood Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall be permitted on lots where adequate off-street parking can be provided.

B. Limited Duration Goods and Merchandise

May obtain a thirty (30) day Temporary Use permit for the display and sale of limited duration goods and merchandise 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 a construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Real Estate Sales Office

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Coopertown Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

E. Religious Tent Meeting

In any district, except the IA, General Industrial District, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

F. Seasonal Sale of Farm Produce

In any district except the industrial districts, a Temporary Use Permit may be issued for the sale of farm produce grown on the premises. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five (5) month period. All structures must be set back from the right-of-way.

G. Temporary Dwelling Units in Case of Medical Hardships

In any district, a Temporary Use Permit may be issued to place a mobile home on a lot that already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Robertson County Department of Environment and Conservation approving the sewage disposal system of the proposed temporary structure. The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory building.

Such permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

H. Temporary Dwelling Unit in Cases of Special Hardship

In any residential district, 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 Robertson County Department of Environment and Conservation and/or the Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for nine (9) 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.

I. Temporary Manufacture of Road Materials

In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Coopertown Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required

for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this ordinance.

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

#### **4.040 ACCESSORY USE REGULATIONS**

In addition to the principal activities permitted each activity shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity when such accessory activity is located on the same zone lot as such principal activity and meets the further conditions set forth below.

Accessory uses are segmented into two groupings. Those accessory uses presented in Subsection 4.041, are permitted as a matter of right, subject only to the general definition of an accessory use and to any specific criteria established, herein, for the particular accessory use. The accessory uses presented in Subsection 4.042, may be permitted only upon approval of a special exception by the Zoning Board of Appeals as provided in Section 8.070.

##### **4.041 Accessory Uses Permitted by Right**

The accessory uses enumerated within this section are permitted as a matter of right subject to the general definition of an accessory use and to any specified criteria presented herein for the particular use. Such accessory uses include the following:

1. Accessory Storage

Storage of goods sold by a principal commercial activity located on the same lot, provided all goods are stored in totally enclosed buildings. (See Subsection 4.042, for open storage)

2. Administrative Office

Operation of an administrative office of a firm engaged in a principal manufacturing or commercial activity on the same zone lot, but only if such office does not occupy more than forty-nine (49) percent of the total floor area occupied by the same firm located on the same zone lot.

3. Bed and Breakfast Homestay

This activity may be permitted subject to the limitations of a minor home occupation (See Subpart 6, (below))

4. Farm Buildings

Private barns, stables, sheds and other farm buildings.

Living quarters for persons regularly employed on the premises.

5. Home Child Care

Child care for up to four (4) preteenage children shall be considered an accessory use. The dwelling unit in which this activity occurs shall meet all applicable state and local regulations.

6. Minor Home Occupations

In all zones permitting residences, minor home occupations in compliance with the following regulations are permitted as accessory uses. Due to their small scale and residential nature, minor home occupations are relatively common accessory uses that are not easily detectable and are not reasonable or desirable to regulate through a conditional use permit. However, in order to assure that such activities remain within the limited scope of this provision, a use permit shall be obtained from the Building Commissioner. The effective period for the use permit shall not exceed three (3) years. At the end of every three (3) year period, renewal shall be automatically granted upon receipt of properly documented certification that the home occupation continues to be operated within the limitations set forth below:

- a) A minor home occupation may be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling. No more than five hundred (500) square feet or twenty-five (25) percent of the floor area of the dwelling, whichever is less, may be utilized by the minor home occupation.
- b) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by use of colors, materials, construction, lights, signs, or the emission of noise or vibration.
- c) No traffic shall be generated by such minor home occupation by persons other than the occupants of the dwelling and any parking required as a result of the conduct of such home occupation shall be met off the street and in portions of the lot other than in required yards.
- d) No minor home occupation shall not involve the use, parking, storage or repair of any vehicle exceeding a gross vehicle weight of eleven thousand (11,000) pounds, except deliveries by parcel post, United Parcel Service, or similar in town delivery service trucks.
- e) No minor home occupation shall involve the on-site use or storage of tractor trailers, semi-trucks, buses or heavy construction equipment.
- f) No equipment or process shall be used in any minor home occupation that creates noise, vibration glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or processes shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- g) No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

- h) No home occupation shall require internal or external alterations or involve construction features or the use of mechanical or electrical equipment that would change the fire rating of the structure or the district in which the structure is located.
- i) No person other than residents of the dwelling shall be employed at the location in the conduct of a minor home occupation.
- j) The following activities are specifically prohibited as minor home occupations, but may be permitted as major home occupations in accordance with the procedures of Section 4.042, (Conditional Accessory Use Provisions).
  - i) Appliance Repair
  - ii) Beauty Salons and Barber Shops
  - iii) Cabinet Making
  - iv) Ceramics (with Kiln Larger than Six (6) Cubic Feet)
  - v) Dance or Music Studios with more than Four (4) Students
  - vi) Medical or Dental Office
  - vii) Transportation Equipment Repair
  - viii) Upholstering
  - ix) Veterinary Uses (Including Care, Grooming or Boarding)

7. Off-Street Parking

Off-street parking and loading serving a principal activity, whether located on the same zone lot or on a different zone lot, but only if the facilities involved are reserved for the residents, employees, patrons or other persons participating in the principal activity.

8. Parents Day Out

Child care for preteenage children, for not more than twelve (12) hours in any one (1) week, shall be considered an accessory use when operated by a place of worship.

9. Private Recreation Facilities

Private swimming pools, tennis courts and other outdoor recreational facilities exclusively for the use of the residents.

10. Production for Retail Sale

Production of goods for sale by a firm engaged in a principal commercial activity on the same lot shall be considered an accessory use, but only if:

- a) All goods so produced are sold at retail by the same firm on the same zone lot;
- b) Such production does not occupy more than forty-nine (49) percent of the total floor area occupied by such firm on the lot;
- c) Such production does not in any case occupy more than two thousand (2,000) square feet of such floor area; and
- d) Such production occurs only in an enclosed building.

11. Residential Occupancy in Connection with Nonresidential Activity

Residential occupancy may be permitted as an accessory use to a principal nonresidential activity located on the same zone lot subject to the following:

a) Only One Unit Permitted

No more than one (1) dwelling or rooming unit may be permitted in connection with a principal nonresidential activity located upon the same zone lot.

b) Occupancy Limited

Any dwelling or rooming unit permitted under the provisions of this section shall be limited to occupancy by person(s) employed in the principal nonresidential activity located upon the same zone lot.

c) Residential Occupancy Prohibited in Dangerous Circumstances

No dwelling or rooming unit may be located upon any site with a nonresidential activity that is defined by this ordinance as a "hazardous occupancy."

d) Residential Occupancy Permitted Where Required for Safety and/or Security

A residential occupancy may be permitted only where required to assure safety and/or security of a business.

e) No Freestanding Buildings Permitted

Where a dwelling unit is permitted as an accessory use to a principal nonresidential activity, such dwelling shall be incorporated into the non-residential buildings and shall not be located within a freestanding building utilized solely for residential occupancy.

**4.042 Conditional Accessory Use Provisions**

In addition to the requirements established for accessory uses generally, the specific standards set out below for individual accessory uses and activities shall be met as part of the conditions for issuing the use permit. Upon issuance of any permit for a conditional

accessory use as specified by this section such use or activity shall be continuously subject to compliance with any operational standard or criteria established by the Board of Appeals and limitations imposed upon such use by virtue of its being classified as "accessory" to a principal use or activity.

Any conditional use permit issued hereunder shall be for a maximum time period of three (3) years. Such permit may be renewed for additional periods upon a finding by the Building Commissioner that all conditions and operational limitations established by the Board in originally issuing the permit are being complied with fully. In any instance where the Building Commissioner shall find that questions exist concerning compliance with any aspect or limitation of the permit, he shall refuse to renew the permit and immediately take all actions necessary to have the permit reviewed by the Board of Appeals.

1. Accessory Apartment (amended by Ordinance 2013-002, July 10, 2013)

- a. Minimum Area: Each site shall meet the minimum lot size for the district in which it is located, plus an additional 20,000 square feet for Level IV Accessory Apartments.
- b. Size of Apartment: Each accessory apartment shall have a minimum of 650 square feet and shall not exceed 1,200 square feet or fifty (50) percent of the first floor of the principal dwelling, whichever is greater; the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use.
- c. Setback:
  - i. The accessory apartment shall be located either behind the principal dwelling, or if beside the principal dwelling, shall not protrude into the designated front yard.
  - ii. The accessory apartment shall meet the required side and rear setbacks for the district that it is located in.
  - iii. The accessory apartment shall be separated by no more than thirty-five (35) feet from the principal dwelling, unless the Board of Zoning Appeals deems a greater separation is acceptable and does not conflict with the general purposes of this provision. The structure shall meet all residential building codes.
- d. Sanitary Facilities:
  - i. The accessory apartment will be served by a public water supply and meet all requirements for two-family dwelling established for water utility. If a well is the water source for the principal dwelling, the apartment may tie into that system upon proof it meets all requirements for a two-family dwelling.
  - ii. The accessory apartment may be connected to the existing subsurface sewage disposal system provided the system is adequate for the total number of bedrooms in both structures. This shall be verified in writing from the Tennessee Department of Environment and Conservation. Both principal dwellings and accessory structures may exist on separate



subsurface sewage disposal systems provided adequate soils support both a primary and alternate system.

- e. Access and Parking: The accessory apartment shall not be served by a driveway separate from that serving the principal dwelling. Sufficient off-street parking shall be provided for all vehicles housed at that address.
- f. Ownership: The accessory apartment shall be owned by the same person as the principal dwelling and shall be used only by immediate family members (i.e. parents, grandparents, children, grandchildren, or siblings of property owner(s)).
- g. Lot Coverage: The principal dwelling and all accessory structures shall not exceed the maximum lot coverage established for the district.
- h. Code Compliance: The accessory apartment shall be constructed in compliance with all applicable building codes adopted by the Town of Coopertown, including the conversion of existing accessory buildings.
- i. Fees: The property owner is responsible for the payment of all fees associated with the construction of a new residential housing unit.
- j. Number of Accessory Apartments: No more than one accessory apartment shall be permitted on a single deeded lot or parcel in conjunction with the principal dwelling unit.

2. Accessory Day Care

Child care for preteenage children shall be considered an accessory use when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees and meets all applicable state and local regulations for a child care center for children.

3. Bed and Breakfast Establishments

Bed and breakfast establishments may be permitted as conditional accessory activities subject to the following criteria:

- a) Individual rooms which are rented shall not contain cooking facilities.
- b) The owner and/or operator must reside on the premises.
- c) The bed and breakfast establishment shall not create noise, light or traffic conditions detrimental to neighboring properties.
- d) No exterior alterations other than those necessary to assure safety of the structure, shall be made to any building for the purpose of providing a bed and breakfast establishment.
- e) The bed and breakfast establishment must front on or have direct access to a public street of adequate design for the proposed use.
- f) Off-street parking shall be provided, however no off-street parking is permitted in the front yard area.

- g) Off-street parking spaces shall be one (1) for each guest/rental room in addition to the provisions spaces required for the dwelling. Maneuvering area shall be provided on-site to allow vehicles to exit property front-end first.
- h) Screening may be required of off-street parking areas to minimize any detrimental impact to adjoining properties.
- i) The bed and breakfast establishment shall be service by a public water and wastewater system.
- j) A landscaping plan shall be required that is compatible with neighboring properties.
- k) A total of one (1) yard sign, not exceeding six (6) square feet in area and three and one-half (3 1/2) feet in height may be permitted for any Bed and Breakfast Inn or Country Inn. Such sign may be located within the required setback area of the zoning district, provided it is situated in a manner so as not to adversely affect traffic safety, corner vision or similar condition. The sign may only be indirectly illuminated. Banners, flags, noise making or musical devices, portable or lighted signs are not permitted.

4. Columbarium

A columbarium shall be considered an accessory use when located within a place of worship.

5. Major Home Occupations

In all zones permitting residences, home occupations that exceed the standards for minor home occupations may be approved as conditional accessory uses subject to the following:

a) Participants

The home occupation is to be conducted only by members of the family residing in the dwelling unit, plus no more than one (1) nonresident assistant or employee. Persons engaged in the building trades or similar fields, using their dwelling units or residential premises as an office for business activities carried on off the premises, may have more employees that the limitation set forth above, if such persons are not employed on the premises.

b) Hours of Operation

In no case shall a home occupation be open to the public at times earlier than 8:00 a.m., or later than 10:00 p.m.

c) Scale

A home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling. No more than five hundred (500) square feet or twenty-five (25) percent of the floor area of the dwelling, whichever is less, may be utilized by the home occupation.

d) Residential Appearance and Character

In no way shall the appearance of the structure be altered or the occupation, within the residence be conducted in a manner that would cause the premises to differ from its residential character either by use of colors, materials, construction, lights, signs, or the emission of noise or vibration.

e) Noise, Equipment and Process Restrictions

No equipment or process shall be used in any home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the formal senses off the lot. In the case of electrical interference, no equipment or processes shall be used which creates visual or audible interference in any radio or television receivers off the premises.

f) Restriction of Wholesale and Retail Sales

There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be picked up and products or goods produced or fabricated on the premises as a result of the home occupation may be sold. However, direct sales of products produced off premises are not permitted.

g) Deliveries and Large Vehicle Storage

The home occupation shall not involve the use, parking, storage or repair of any vehicle exceeding a gross vehicle weight of eleven thousand (11,000) pounds, except deliveries by parcel post, United Parcel Service, or similar in town delivery service trucks.

h) Outside Storage

There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling or accessory building.

i) Display of Products Prohibited

There shall be no display of products visible in any manner from outside the dwelling.

j) Hazards

No home occupation shall require internal or external alterations or involve construction features or the use of mechanical or electrical equipment that would change the fire rating of the structure. No use shall be permitted which involves the manufacture or storage of products that are dangerous in terms of risk of fire, explosion or hazardous emissions.

k) Heavy Transportation and Construction Equipment Prohibited

No home occupation shall involve the on-site use or storage of tractor trailers, semi-trucks, or heavy construction equipment.

l) Parking

A parking plan shall be presented with each request for a conditional use permit presented, hereunder. The plan shall demonstrate:

- i) That adequate off-street parking can be provided on the site to accommodate the additional needs generated by the home occupation.
- ii) That any added parking will not detract from the visual appearance of the residence or adversely impact adjoining properties.

6. Accessory Agricultural Occupations

These provisions are established to provide supplemental occupations for residents in a rural environment. All Applicants requesting approval for this type of home occupation are required to meet the provisions set forth in Subpart 5, (Major Home Occupations) and any other safeguards the Board of Zoning Appeals may deem necessary. All accessory agricultural occupations require approval of a site plan by the Board of Zoning Appeals as a "Special Exception". Uses permitted as accessory agricultural occupations shall include, but not be limited to auto, truck and farm equipment repair, welding shops, wood working shop, manufacture or processing of garments, the sale of farm products, supplies and equipment and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of an accessory agricultural occupation.

7. Operation of a Cafeteria

Operation of a cafeteria for employees, residents, patrons or others participating in the principal activity conducted by an organization engaged in community facility activity on the same zone lot. Where the community facility is permitted as a conditional use an accessory cafeteria must be approved as a part of the action granting said permit.

8. Outdoor Storage Facilities

Goods, other than motor vehicles, may be stored within designated open areas, within trailers licensed to operate as over the road carriers or shipping containers subject to the following conditions and standards:

- a) Such storage may be conducted only within loading areas or other areas designated upon site plans and approved for such use;
- b) Such storage shall not be located upon any portion of a site which is required by this ordinance for parking;
- c) Generally, all such storage facilities shall be located upon portions of a site which are not visible from any public right-of-way. Where this is not possible, all portions of the site utilized for temporary storage shall be provided with appropriate screening which will obscure viewing from the public right-of-way. Such screening shall extend along all portions of the storage area which are open to view from any public right-of-way .

- d) Outdoor storage facilities may cover no more than fifty (50) percent of any required yard.
- e) Where outdoor storage areas are covered with gravel they shall be included as impervious surface area in calculating maximum impervious surface ratios (ISR).

#### **4.050 GASOLINE SERVICE STATION RESTRICTIONS**

The following regulations shall apply to all gasoline services stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than fifty (50) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps and canopies shall not be located closer than fifteen (15) feet to any right-of-way line.
- C. Sign requirements as established in Section 4.080, shall be met.

#### **4.060 SWIMMING POOL RESTRICTIONS**

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any required front yard in the Agricultural and Residential 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. **(Amended by Ordinance 2007-05, May 22, 2007)**
- C. Private swimming pools are permitted in Agricultural, Residential, and Commercial Districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

#### **4.070 DEVELOPMENT STANDARDS FOR GROUP HOUSING PROJECTS**

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

##### **4.071 Procedure for Submission and Review**

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

##### **4.072 Required Development Standards**

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

1. Location
  - a) The site shall comprise a single lot or tract of land, except where divided by public streets.
  - b) The site shall abut a public street. (Refer to Section 3.030)
2. Density and Dimension
  - a) The average number of dwelling units per acre of buildable land, not including streets, shall not exceed that permitted within the applicable district.
  - b) All yard requirements as established for the districts in which such use is permitted are applicable, except where buildings may be joined by common walls.
3. Design
  - a) The maximum grade on any drive shall be seven (7) percent, unless the planning commission specifically approves an alteration.
  - b) Where feasible, all drive intersections shall be at right angles.
  - c) Minimum distance between buildings shall be thirty (30) feet at any point.
4. Public Street Access
  - a) The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.
  - b) The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.
5. Required Improvements
  - a) Specifications for drives in group housing developments shall conform to roadway specifications as specified by the Coopertown Municipal Planning Commission Subdivision Regulations to which reference is hereby made and incorporated herein by reference.
  - b) The development shall be served with public utility systems adequate to assure fire protection and removal of liquid waste via a central sewage collection and treatment facility.
  - c) Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.
  - d) Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

**4.080 STANDARDS FOR SIGNS, BILLBOARDS. AND OTHER ADVERTISING STRUCTURES (amended by Ordinance 2014-003, February 25, 2014)**

SUBSECTIONS:

- A. Purpose and Intent
- B. Applicability
- C. Definitions
- D. General Provisions
- E. Prohibited Signs
- F. Allowed Signs
- G. Premises and Sign Maintenance
- H. Permitting Procedure
- I. Administration and Enforcement

A. Purpose and Intent

It is the purpose of this Section to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements.

It is not the intent or purpose of this Section to regulate the message displayed on any sign or the content. These sign regulations are intended to:

1. Allow for the communication of information necessary for the conduct of commerce.
2. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian, bicycle and vehicular traffic.
3. Enhance the attractiveness and economic well-being of the Town as a place to live, visit and conduct business.
4. Promote signs that are compatible with their surroundings.
5. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
6. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
7. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
8. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.

B. Applicability

This Section shall apply within all zoning districts. However, if the Board of Mayor and Aldermen has approved sign regulations in the Historical Overlay District, or any other design standards to be used in other specified districts, then those guidelines shall take precedence.

### C. Definitions

For the purpose of this Section the following definitions shall apply:

An individual sign may fall under more than one of the following definitions, e.g., illuminated ground sign, temporary off-premise sign, etc.

Abandoned sign. A sign either on-premises or off-premises, which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation for a period of 90 days or more, or advertises any product no longer being marketed or a lawfully-erected temporary sign for which the time period allowed for display of the sign has expired.

Animated. A sign that is animated, moving, rotating or appears to be animated, moving or rotating. To include human animated/sign twirlers/spinners, mechanized means such as inflatable signs.

Applied letter sign. A sign on which individual letters are mounted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for the sign and that does not project more than 12 inches from such building or structure.

Attached sign. A sign that is permanently affixed to or painted on a building, canopy, or wall and having a permanent or changeable copy face.

Awning sign. A roof-like shelter of canvas or other material extending over a doorway, window, deck, etc., to provide protection from the sun or rain, either retractable or non-retractable.

Banner. A sign made of flexible material used to advertise a business event or a product for sale.

Bench sign. A sign affixed to or painted on a bench.

Billboard sign. See 'Off-premise sign.'

Canopy sign. See 'Awning sign.'

Changeable copy, automatic. A changeable copy sign or portion of a sign on which the message can be changed through electronic or electro-mechanical means.

Changeable copy, manual. A sign or portion of a sign designed so that the message or copy can be manually changed frequently.

Commercial sign. Any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

Convenience sign. A sign displayed only for the direction, safety and convenience of the public. Convenience signs may include, but not limited to, address signs, address and name plaques, signs identifying restrooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exits, and other facilities that may require directional signage.



Dilapidated sign. A sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

Directional sign, temporary. A temporary sign erected for the sole purpose of providing directions.

Flag. Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Freestanding sign. A sign supported by a sign structure secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support.

Front façade. The front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel, the side which includes the primary entrance shall be considered the front façade. If a structure located on a corner parcel contains a primary entrance on more than one side, the longer side with a primary entrance shall be considered the front façade. In cases where the building is oriented in a manner not parallel to the street, the primary entrance shall be used as the front façade.

Graphic sign. A sign painted directly on, carved in, or otherwise permanently embedded in the façade.

Ground-mounted sign. A sign placed upon or supported by the ground, independent of any other structure.

Hanging sign. A sign mounted on beams, brackets, or poles projecting from a building.

Home occupation sign. A sign erected for the purpose of identifying a home occupation.

Illumination, external. A light source which is not internal to the sign.

Illumination, internal. A light source within the sign.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "exit", "loading only", "no trespassing", "no hunting", "phone", "ATM", etc.

Monument sign. See 'Freestanding sign.'

Moving sign. A sign or device that swings, undulates, or otherwise attracts attention through the movement of parts, or through the impression of movement, and includes flashing, fluttering, moving, pennant, revolving, rotating, streamer, windblown, or similar signs or devices.

Multi-tenant sign. A sign that serves as a common or collective identification for two (2) or more uses on the same premises.

Non-commercial sign. Any sign not naming, advertising or calling attention to a business or commercial product, service or activity.

Nonconforming sign or sign structure. A sign constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which the sign does not

comply, or any sign that was lawfully erected and complied with the sign regulations in effect at the time it was erected, but is no longer in compliance.

Off-premises sign. A sign which advertises goods, services, facilities, events or attractions available at a location other than the premises where the sign is located, including but not limited to billboards.

On-premises sign. A sign which advertises goods, services, facilities, events or attractions available on the premises where the sign is installed and maintained.

Outline lighting. Attached neon tubing or fiber optic tubing which must be of constant intensity and uniform color placed on the exterior of a building.

Parked vehicle sign. Signs placed on or affixed to vehicles or trailers that are parked on a right-of-way or on public or private property so as to be visible from a public right-of-way. This does not pertain to signs placed on or affixed to vehicles, where the sign is incidental to the primary use of the vehicle or trailer or to exclude the advertising of the vehicle for sale.

Permanent sign. A sign that is intended for other than temporary use or a limited period. A permanent sign is usually affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period of time.

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

Portable sign. A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels.

Projecting sign. A sign that is wholly or partly dependent upon a building for support and which projects more than one (1) foot from such building.

Right-of-way/public way. A strip of land occupied or intended to be occupied by public facilities such as streets, crosswalks, railroads, electric transmission lines, oil or gas pipelines, water mains, sanitary or storm sewer lines, or for another special use. The usage of the term "right-of-way," for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or area of such lots or parcels.

Roof sign. An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

Setback. Clearance from edge of sign to edge of Town's right-of-way must be a distance of one (1) foot minimum.

Side. Referring to one of the lateral surfaces of a building or structure, as opposed to the front, back, top, and bottom.

Sign. Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing for visual communication intended to attract the attention of the public and visible from the public right-of-way.

Sign area. The entire area of a single, contiguous perimeter enclosing the extreme limits of an emblem, representation, wording, or any figure of similar character, together with any color or material forming an integral part of the display or used to differentiate the sign from the background (such as a wall) against which it is placed. The supports and uprights are not included in determining the sign area or sign face.

Sign copy. Any combination of letter, numbers or graphic images which are intended to inform, direct or otherwise transmit information.

Sign face. See ‘Sign area.’

Sign structure. Any structure that supports, has supported or is capable of supporting a sign, including any decorative cover for the sign structure. This definition shall not include a building, fence, wall, or earthen berm.

Snipe sign. An off-premise sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

Temporary sign. A sign that is intended for temporary use and a limited period, as allowed by this Section. Temporary signs may include, but are not limited to, auction signs, banners, balloons, builder signs, development in progress signs, garage sale signs, grand opening signs, holiday decorations, political signs, portable signs, real estate signs, and special event signs.

Vision Triangle. The triangular area formed by a diagonal line connecting two points, established by required setbacks, located on intersecting streets. The area of land should be kept clear of anything which will obstruct the vision of motorists entering or leaving the intersection.

Wall. An upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area, especially a vertical construction forming an inner partition or exterior siding of a building.

Wall sign. A face-mounted sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than one (1) foot from such building or structure.

Windblown sign. A banner, flag, fluttering object, gas balloon, moored blimp, moving object, pennant, revolving object, ribbon, rotating object, spinner, streamer, or any similar object or structure that is designed to inform or attract the attention of persons not on the premises on which it is located.

Window sign. Any sign or graphic placed inside the window or upon the windowpane, used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw visual attention to the business or use, and which is visible from the public right-of-way, but excludes merchandise in a window display.

Zoning district. Refers to Coopertown’s four primary zoning designations which are agricultural, residential, commercial, and industrial. Zoning district does not include the

overlay districts such as the Historic, Interstate Commercial and Interstate Industrial Overlay Districts.

#### D. General Provisions

##### 1. Substitution Clause

Non-commercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this resolution. Non-commercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

##### 2. Calculating Sign Area and Height

a. The area of all signs allowed under this Section shall be computed as follows:

- i. The sign area shall include the total area of the sign, including the background, ornamentation and copy area. The sign area shall not include any supporting structure, uprights or decorative bases or bracing.

When separate letters or graphics are attached to, or painted on, a wall, then the sign area shall be determined by the smallest geometric shape that encloses all borders, graphics, and letters as a complete sign.

- ii. When two (2) signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only one (1) face shall be included in computing the total area of the sign.

When two (2) signs of the same shape and dimensions are mounted or displayed in a V-shape, not back-to-back and parallel, and where the angle of the V exceeds 25 degrees, each such face shall be included in computing the total area of the signs.

b. The height of all signs allowed under this Section shall be computed as follows:

- i. The height of a ground sign shall be measured from the average level of the grade below the sign to the highest point of the sign face area or its supporting structure, whichever is greater.
- ii. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall not be higher than the maximum allowed building height. In the event that a multi-storied structure contains various tenants on each floor, the wall signs for each floor may not exceed the ceiling height for that specific floor level.
- iii. The clearance of a projecting sign shall be measured from the base of the sign to the ground below.
- iv. Any berming, filling, or excavating solely for the purposes of locating the sign shall be computed as part of the sign height.

### 3. Setbacks and Placement

- a. Signs and sign structures shall meet minimum setback requirements from any right-of-way line. In instances where the right-of-way cannot be established, or in the case of a road without right-of-way, a minimum distance of 12 feet from the edge of the paved road, or one (1) foot from the right-of-way, whichever is greater, shall be required. Corner lots will be considered on a case-by-case basis.
- b. No sign shall be located within the vision triangle or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color, unless erected by a governmental entity.
- c. Signs shall be located so as not to impair windows, doors or other means of ingress/egress.
- d. No sign shall be located within a public utility or drainage easement without written approval from the affected agencies.
- e. Signs shall maintain a minimum horizontal clearance of eight (8) feet in addition to the fall radius and a vertical clearance of at least eight (8) feet from electrical lines and in accordance with current National Electrical Safety Code (NESC) guidelines.

### 4. Sign Illumination

Not all forms of illumination are allowed in all zoning districts. Refer to Subsection F., Allowed Signs, for allowable forms of illumination by zoning district and sign type.

- a. No sign or device shall produce glare or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public.
- b. Externally illuminated. For freestanding signs, external illumination shall be achieved via a steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets and shall not be so bright as to cause glare on, or other nuisances to, adjacent land owners.
- c. Internally illuminated. For freestanding signs, the main copy area or face of internally illuminated signs shall be opaque to prohibit light penetration into areas other than letters, numbers, logos and accent lines. The lighting source providing the internal illumination shall not create a nuisance or a distraction to motorists.
- d. Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with Article 600 of the National Electric Code.

### 5. Appropriate Building Materials for Sign Backgrounds, Frames, Supports and Ornamentation

Building materials for permanent signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely impact adjacent uses. The various parts of signs shall be compatible in design quality. The following materials are considered to be appropriate for sign backgrounds, frames, supports, and ornamentation:

- Brick;
- Natural stone, including panels, or imitation stone;
- Stained split-face block;
- Coated wrought iron;
- Wood;
- Exterior insulation and finish systems (EIFS) or similar material in combination with brick, split-face block, or stone;
- Metal panels, when used in combination with brick, split-face block, or stone; and
- Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.

#### 6. Prohibited Materials

The following materials are prohibited for permanent sign backgrounds, frames, supports, and ornamentation:

- Smooth-faced concrete blocks, whether painted or unpainted;
- Metal panels, when used without brick, split-face block or stone; and
- Plastic or synthetic materials, when used without brick, split-face block or stone.

#### 7. Nonconforming Signs

- a. The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When a property changes use the signs on that property must be brought into compliance with the provisions of this Section.
- b. With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for printing or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as an illegal sign.

#### 8. Changeable Copy

- a. Signs containing automatic changeable copy must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the display when notified by the Town that it is not complying with the standards of this Section.
- b. Only one contiguous automatic changeable copy area is allowed on a sign face.
- c. All signs containing automatic changeable copy must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
- d. The messages displayed must be static and complete in themselves, without continuation in content to the next message or to any other sign.
- e. Signs containing changeable copy messages shall not contain commercial messages other than those relating to the business on which it is located.

- f. Signs containing automatic changeable copy messages must remain fixed, static, motionless, and non-flashing for a period of at least eight (8) seconds for time, date or temperature displays and 30 seconds for all other messages.

E. Prohibited Signs

Except as may be authorized by this Section, the following signs shall be prohibited and may neither be erected nor maintained in any zoning district:

1. Any sign for which a permit is required and has not been issued, excluding any existing legal nonconforming sign;
2. Bench signs;
3. Any sign that obstructs a clear view to and from traffic along any street right-of-way, entrance, or exit;
4. Any sign that obstructs free ingress and egress through a required door, window, fire escape or other required exit way;
5. Sign display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement shall be prohibited if it creates a nuisance or a traffic distraction to motorists;
6. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way;
7. Off-premises signs, except as allowed in Subsection F., 7. j. of this chapter. See Subsection F, 1.d. regarding exemptions for certain directional signs for the motoring public;
8. Search lights if directed in any other direction than skyward;
9. Signs or sign structures located in the right-of-way, except as required or exempted by appropriate federal, state, city or county governmental authorities;
10. Signs that extend above the highest point of the roof line;
11. Signs which make use of words such as “stop”, “look”, “danger”, or any other words, phrases, symbols or character in such a manner as to resemble standard traffic control signs and interfere with, mislead or confuse drivers of vehicles traveling upon any highway, driveway or parking area;
12. Signs placed on or affixed to vehicles and/or trailers which are parked on a right-of-way, public property or private property, so as to be visible from the public right-of-way where the apparent purpose is to advertise a message provided that this is not in any way intended to prohibit signs placed on or affixed to motorized vehicles where the sign is incidental to the primary use of the motorized vehicles or trailer;
13. Snipe signs;

14. Trash receptacle signs that promote commercial business;
15. Windblown or inflated signs larger than 18 inches in diameter that require tethering, not including flags as regulated in this Section; and
16. Home occupation signs; and
17. Any other sign which is not expressly allowed is prohibited.

F. Allowed Signs

1. Signs Allowed in All Zoning Districts – No Permit Required

The following signs are allowed in all zoning districts and do not require a permit:

- a. Memorial signs and tablets displayed on public property or in cemeteries;
  - b. Address numerals, nameplates (including apartment units and office suites) and signs bearing the same name of occupants of the premises not exceeding two (2) square feet in area;
  - c. A traffic directional, warning or information sign authorized by any public agency, whether permanent or temporary; this includes exempted signage per Title 54 of the Tennessee Code;
  - d. Any signage denoting certain educational institutions, historic sites, wildlife management areas, wildlife refuges and state lakes, airports, or any other specific service sign for the motoring public as permitted in the public right-of-way per the Tennessee Code, or on public or private property; location of these signs must comply with the latest Manual on Uniform Traffic Control Devices (MUTCD);
  - e. Signs related to an agricultural use not exceeding 48 square feet with a maximum of two (2) signs per property;
  - f. Flag displaying noncommercial messages (government flags, civic flags, decorative flags, etc.). No flag pole shall exceed the height and size requirements of the district in which they are located;
  - g. Window signs in which the total area of signage does not exceed 25 percent of the area of the window or any glass door to which they are visible;
  - h. An official sign or notice issued or required to be displayed on private property by any court, public agency or public office, whether permanent or temporary;
  - i. Scoreboards or advertising signage located on athletic fields if oriented toward the field of play; and
  - j. Temporary signs, as regulated in Subsection F, Allowed Signs, 4 & 5.
2. Signs Allowed in Commercial Zoning Districts – Sign Permit Required

The following signs are allowed in Commercial zoning districts and require a sign permit:



### Freestanding Flags

- a. Maximum of three (3) per lot;
  - b. Maximum sign area (in square feet) of one-half (1/2) the height of the pole (e.g. 40 foot pole = maximum twenty (20) sq. ft. area);
  - c. Maximum pole height of 40 feet, or 20 feet for rooftop poles; and
  - d. Setback minimum of one (1) foot from right-of-way.
3. Signs Allowed in Agriculture and Residential Zoning Districts – Sign Permit Required
- In the Agricultural and Residential Districts, the Following Regulations Shall Apply:
- a. One temporary nonilluminated sign not to exceed sixteen (16) square feet in area, advertising the sale of farm products produced on the premises shall be permitted.
  - b. Church, school or public building bulletin boards or identification signs, not exceeding thirty-two (32) square feet in area are permitted.
  - c. Where commercial enterprises are permitted, business signs, not to exceed one (1) square foot of surface area for each one (1) linear foot of face of building, relating to the business of the premise, will be permitted, not to exceed thirty-two (32) square feet in area.
4. Residential Subdivision Signs (Development) – Sign Permit Required
- a. Maximum of two (2) per entrance;
  - b. Maximum sign area of 32 square feet per side, with a total of 64 square feet;
  - c. Maximum height of eight (8) feet;
  - d. Constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls;
  - e. Maintained by an established property owners' association; and
  - f. Setback a minimum of one (1) foot from right-of-way.
5. Temporary Development Signs – Sign Permit Required
- a. Maximum of one (1) sign per contractor or supplier, per entrance, and one (1) per phase of development;
  - b. Maximum sign area of 32 square feet per side, with a total of 64 square feet for subdivision developer;
  - c. Maximum height of eight (8) feet;
  - d. Developer signs in non-residential projects removed after one year

- e. Developer signs in residential projects remove after 80 percent of build-out, or three (3) years, whichever occurs first; and
  - f. Setback a minimum of one (1) foot from right-of-way.
6. Temporary Signs – No Permit Required
- a. Maximum sign area of 12 square feet per side, with a total of 24 square feet;
  - b. Maximum height of eight (8) feet;
  - c. Setback a minimum of one (1) foot from right-of-way; and
  - d. May be erected no more than 60 days prior to the event; must be removed within 7 days following the event.
7. Signs Allowed in All Non-Residential Zoning Districts – Sign Permit Required
- a. Attached Awning Signs
    - i. Maximum of one (1) per awning face;
    - ii. Maximum sign area of 25 percent of the awning face in addition to the allowable building signage; and
    - iii. Minimum ground clearance of eight (8) feet; shall not extend above or below the awning or roofline.
    - iv. Maximum of 16 square feet when located within 200 ft. of a residential district
    - v. Maximum of ten (10 feet) from the building.
  - b. Canopy and Portico Signs
    - i. Face Mounted (Wall signs)
      - a) Maximum of one (1) per face, for a maximum of three (3) signs;
      - b) Maximum sign area of 25 percent of the canopy face in addition to the allowable building signage; and
      - c) Minimum ground clearance of eight (8) feet; shall not extend above or below the canopy.
      - d) Maximum of 16 square feet when located within 200 ft. of a residential district.
    - ii. Signs which are integral to the building structure
      - a) Limited to building name or tenant identification;
      - b) Maximum of one (1) sign per canopy or portico provided no face-mounted signage exists on the canopy, portico, or building;

- c) Maximum sign area is limited to 25% of the building side and is included in total of attached building signage;
- d) Does not project above the building/structure roofline or top of parapet wall;
- e) Sign may project up to ten (10) feet from the face of the building, but in no case extend past the face of the canopy or portico;
- f) Shall be in proportion with the building architecture and elevation; and
- g) Only dimensional letters, numbers, and logos are permitted.

c. Attached Convenience Signs

- i. Maximum sign area of four-and-one-half (4½) square feet;
- ii. Maximum height of six (6) feet; and
- iii. Setback a minimum of one (1) foot from right-of-way.

d. Attached Hanging Signs

- i. Maximum of one (1) per building face per tenant;
- ii. Maximum sign area of three (3) square feet, with an aggregate of six (6) square feet;
- iii. Minimum of eight (8) feet off the ground and the maximum height shall be at the roofline; and
- iv. Shall not extend beyond four (4) feet from the building.

e. Attached Signs, If Not Otherwise Regulated

- i. Maximum of one (1) sign per building side;
- ii. Maximum sign area of one (1) square foot per linear foot of building side;
- iii. Not projected above or below canopy or roofline;
- iv. Maximum height of 16 feet when located within 200 feet of a residential district; and
- v. Shall not extend beyond one (1) foot from the building.

f. Freestanding Convenience Signs **(amended by Ordinance 2016-026, March 28, 2017)**

- i. Maximum of one (1) per entrance and one (1) per exit;
- ii. Maximum sign area of four-and-one-half (4½) square feet per side, with a total of nine (9) square feet; in all Industrial zoned districts, a maximum sign face area

of seven-and-one-half (7½) square feet per side, with a total of 15 square feet is permitted;

- iii. Maximum height of six (6) feet; and
- iv. Setback a minimum of one (1) foot from right-of-way.

g. Freestanding Signs, If Not Otherwise Regulated **(amended by Ordinance 2016-026, March 28, 2017)**

- i. Maximum of one (1) sign per lot per street;
- ii. Maximum sign face area of 32 square feet per side, with a total of 64 square feet; in all Industrial zoned districts, a maximum sign face of 42 square feet per side, with a total of 84 square feet is permitted;
- iii. Constructed of masonry or natural materials, except for sign face which contains letters and/or logo, and may include signs constructed within entrance walls;
- iv. Either a pole base or an encompassing finished masonry or natural materials frame shall be permitted;
- v. Maximum overall area of a freestanding sign encompassed by a finished masonry frame shall be 100 square feet; in all Industrial zoned districts, a maximum overall area of a freestanding sign encompassed by a finished masonry frame shall be 140 square feet is permitted;
- vi. Maximum height of a freestanding sign shall be eight (8) feet above the adjacent grade; and
- vii. Setback a minimum of one (1) foot from right-of-way.

h. Window Signs

- i. Signs shall be located fully within the interior of the building and attached directly to or mounted within 12 inches of the inside of the commercial-type business.
- ii. Except as provided in this Section, window signage may be painted on the interior of the window with easily removable paint, constructed of paper, cloth or other like material, or internally illuminated provided the signage is UL-approved and does not adversely affect the motoring public.
- iii. Signs shall not exceed 50 percent of the aggregate window and door area. A group of windows on a particular building elevation separated by a distinct architectural feature, other than the window frame, shall be considered a separate contiguous window area, and the sign area within each contiguous window area, shall not exceed 50 percent. Building elevations that face public parking lots or streets rights-of-way shall be considered separately.
- iv. Signs visible through the window or door and that identify the nature of the establishment's business, names of professionals, hours of operations, etc., shall

not exceed six (6) square feet in total area and shall not be included in the total window sign area.

- v. Interior neon signs intended to be seen from the exterior of the building identifying the business or service shall be permitted and shall meet all the requirements of this Section.
  - vi. Ancillary interior neon signs that intended to be seen from the exterior of the building do not require permits.
  - vii. LED electronic message center window signs are prohibited if they interfere with the safety of pedestrians and motoring public.
- i. On-premises pole sign – allowed in interstate commercial district (CB)  
**(amended by Ordinance 2016-016, August 23, 2016)**
- i. Maximum of one (1) on-premises sign allowed on any CB commercial property;
  - ii. Maximum sign face area of 150 square feet per side, with a total of 300 square feet;
  - iii. Maximum height of the sign face area shall be ten (10) feet;
  - iv. Signs shall be constructed of masonry, natural materials, or other material approved by the Coopertown Planning Commission. A pole base frame constructed of a finished masonry or natural materials frame shall be permitted;
  - v. Maximum height of a freestanding pole sign shall be no more than one hundred (100) feet above the adjacent grade; and
  - vi. Setback a minimum of one (1) foot from right-of-way.
- j. Off premises sign – “billboard”
- i. Maximum of one (1) sign per street frontage, permissible only in agricultural, commercial and industrial districts;
  - ii. Maximum sign face area of 675 square feet;
  - iii. Minimum ground clearance shall be a minimum of eight (8) feet above the adjacent grade;
  - iv. Maximum height of 60 feet from ground to highest point of sign;
  - v. Galvanized steel frame construction, face shall be constructed of canvas tarpaulin, GI sheets, panaflex material; internally illuminated and electronic signs permissible;
  - vi. Setback a minimum of one (1) foot from right-of-way;
  - vii. No sign or device shall produce glare or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public;

- viii. Externally illuminated. External illumination shall be achieved via a steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets and shall not be so bright as to cause glare on, or other nuisances to, adjacent land owners;
  - ix. Internally illuminated. The main copy area or face of internally illuminated signs shall be opaque to prohibit light penetration into areas other than letters, numbers, logos and accent lines. The lighting source providing the internal illumination shall not create a nuisance or a distraction to motorists; and
  - x. Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with Article 600 of the National Electrical Safety Code (NESC).
- k. Adult-Oriented signage: Please refer to Article V, Subsection 5.063, and Article VIII, Subsection 8.070 (I) (3) (D) of this Ordinance for additional provisions and Ordinance #2010-001.

G. Premises and Sign Maintenance

1. Premises Maintenance - Signs and the premises surrounding them shall be maintained in a clean, sanitary and inoffensive condition, free and clear of obnoxious substances, rubbish and weeds.
2. Structure Maintenance - Signs, together with their supports, braces, guys and anchors, shall be kept in good, safe repair and shall be maintained in good and safe condition, including the periodic application of paint or other weatherproofing materials to prevent rust or other decay. The Building Commissioner may order the removal of a sign that is not maintained in accordance with the provisions of this Section. The removal or expense incurred to assure compliance shall be at the expense of the owner of the sign or occupant or property owner where the sign is situated, or any one of all of them, who shall be jointly and severally liable for the expense.
3. Sign Area or Other Maintenance – The sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking, or otherwise decayed condition and shall be repaired or removed within 90 days of receipt of notice mailed to the owner by certified mail, return receipt requested, from the Building Commissioner, ordering the repair or removal. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within the time specified in the notice, then the sign shall be removed or altered to comply by the Building Commissioner.
4. Maintenance of Banners and Flags – Banners and flags shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within 30 days of receipt of notice.
5. Notice to Remove Unsafe Signs – If the Building Commissioner finds that a sign is unsafe, insecure, or is a menace to the public, they shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which the sign is located. Correction of the condition which caused the notice shall be effected within ten (10) days after receipt of the notice. If the condition is not corrected after ten days, then the Building Commissioner is hereby authorized to cause the sign to be removed immediately at the expense of the owner, agent, or

person having the beneficial interest in the building or premises on which the sign is located, whenever it determines that the sign is an immediate peril to persons or property.

6. Signs Placed in Right-of-Way – Signs illegally placed in the public right-of-way shall be forfeited to the public and shall be immediately confiscated by the Building Commissioner.
7. Change of Use – Nonconforming signs shall be brought into compliance once a change of use of the premises occurs.

#### H. Permitting Procedure

##### 1. Sign Permit Required

Unless specifically allowed by Subsection F.1., no sign shall be erected, altered, or relocated after the effective date of this Section until a sign permit has been secured. The permit process is intended to review compliance with height, dimension, construction and other similar provisions of this Section. It is not intended to review the content of the message to be displayed.

##### 2. Application

An application for a Sign Permit shall be made in accordance with application requirements established by the Coopertown Planning Commission. For signs within the Historic Overlay District, application shall be made to the Commission for Culture, History & Art.

Applications for Sign Permits shall contain the following information:

- a. Application Form – Prior to obtaining a sign permit from the Building Commissioner, an applicant’s sign application must be approved by the Planning Commission. The application shall contain the following information:
  - i. Name, address, phone, and if available, fax and e-mail of the property owner;
  - ii. Name, address, phone, and if available, fax and e-mail of sign contractor/applicant;
  - iii. Address of the property where sign will be located;
  - iv. Identification of the type of sign (wall, ground, etc.);
  - v. Name of the business to which the sign belongs;
  - vi. Description of sign plans and specifications. The method of construction and/or attachment to a building, or in the ground, shall be explained in the plans and specifications;
  - vii. The zoning district in which the sign is to be placed;
  - viii. A notice stating: “Any change in the information in this application shall be submitted to the Building Commissioner within seven (7) days after the change.” Unapproved changes shall result in the signage compliance form being void;

- ix. Any other information deemed necessary to determine compliance with these sign regulations.
  - b. Scaled site plan or detailed sketch showing location of the sign on the site with setbacks accurately dimensioned. The site plan should also show the location of all existing buildings, roads, parking areas, signs, and entrances/exits on the site.
  - c. Scaled schematic or dimensional sketch of the proposed sign showing:
    - i. Height of the finished sign above finished grade;
    - ii. Surface of the sign (material, color and dimensions);
    - iii. Dimensions and display area of the proposed sign;
    - iv. Any proposed illumination;
    - v. Additional information as deemed necessary to ensure compliance with these regulations.
3. Review Procedures
- a. Applications for sign permits shall be submitted to the Building Commissioner or their designee. Applications must be complete; applications that lack any of the information listed in Subsection H.2 will not be reviewed. After acceptance of a complete application, temporary sign applications will be reviewed and approved within 5 days of receipt by the Building Commissioner and/or their designee. Permanent sign applications will be approved by the Coopertown Planning Commission.
  - b. Reasons for denial shall be made in writing to the applicant.
  - c. Approved applications shall receive a sign permit from the Building Commissioner.
4. Permit Fees
- Permit fees for signs shall be established by ordinance by the Coopertown Board of Mayor and Aldermen.
5. Inspections Required
- The Building Commissioner shall require all ground signs to have a location inspection prior to issuance of a Sign Permit to assure location and setback compliance.
6. Permit Expiration
- a. Sign permits shall become null and void six (6) months from the original date of issuance if the work authorized under the permit has not been commenced by that time.
  - b. Sign permits for projects that have been commenced but not completed and which no work has been done for over six (6) months will also become null and void.



- c. Sign permits which have become null and void will need to re-submit an application and follow the application procedures for re-approval as outlined in Subsection H of this Section.

I. Administration and Enforcement

1. Enforcement

Consistent with Article VIII of the Zoning Ordinance, these sign regulations shall be administered and enforced by the Building Commissioner, and/or their designees, who shall have the power to make necessary inspections, including entering upon private property, and to issue related citations for the enforcement of this Section.

2. Violation Notice and Penalty

The Building Commissioner, and/or their designees, shall order the removal of any sign erected or maintained in violation of this Section, providing ten (10) days written notice to the owner of the premises upon which the offending permanent sign is located to achieve compliance with provisions of this Section. If, after ten (10) days, the property owner has failed to achieve compliance with this Section, a citation to the municipal court shall be issued. When good faith efforts to bring a sign into compliance have begun within ten (10) days of notice of violation, the Building Commissioner may extend the time period for compliance with this Section to a period not to exceed 30 days. In cases where the owner of the premises has previously been notified of violations on two (2) or more occasions, a citation may be issued without prior written notice.

Consistent with Article VIII of the Zoning Ordinance, any person, firm, or corporation violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$50.00 plus court costs. Each day's continuance of a violation shall be considered a separate offense. In addition to the party violating this Section, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

3. Impoundment/Disposal of Signs

The Building Commissioner and/or their designee(s) shall have the authority to remove without notice any illegal sign on public property or a public right-of-way, or any illegal sign attached to trees, fences, posts, utility poles, or other natural features. Such signs shall be considered litter and shall be subject to disposal.

4. Appeals

Any person aggrieved by the decision of the Building Commissioner and/or their designee, in relation to enforcement of these sign regulations, may appeal to the Coopertown Board of Zoning Appeals as provided for in Article VIII of the Coopertown Zoning Ordinance. All applications and processing of appeals shall be in accordance with the Rules of the Board and with applicable state law.

5. Variances

Any person may petition the Town for a variance to these regulations. In addition to the procedures for variance petitions contained in Article VIII of the Zoning

Ordinance, the Board shall consider the following when reviewing those requests relating to signs:

- a. A variance to sign regulations may be approved where the literal enforcement of the provisions of this Section would result in an unnecessary hardship, and where such variances are deemed necessary to permit a sign on a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that a sign cannot be placed on the parcel in a manner commensurate with those signs allowed on other parcels of land in the same district. The modification of the standards established in this Section shall not be granted to relieve a self-created or personal hardship, not for financial reason, nor shall such modification be granted to permit any person a privilege in placing a sign on a parcel of land not allowed by this Section to other parcels of land in that district.
- b. A hardship is intended to include a change in elevation or curve in a roadway which obstructs visibility.
- c. No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The Board is not authorized to grant a variance of the zone in which a sign is allowed.
- d. In order to make a finding of hardship and to grant a variance, the Board shall find:
  - i. The requested variance does not eliminate any requirement of this Section and does not allow any prohibited signs;
  - ii. That the special circumstances of the subject property are not the result of the actions of the applicant, the owner of the property, or a self-induced hardship;
  - iii. The hardship is peculiar to the property of the applicant and the variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges allowed to other properties in the vicinity and zone in which the subject property is located. Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance;
  - iv. That the literal interpretation and strict application of the provisions and requirements of the sign regulations would cause undue and unnecessary hardship because of the unique or unusual conditions pertaining to the specific building, parcel, or subject property;
  - v. That the variance is not granted for the convenience of the applicant, or for the convenience of regional or national businesses which wish to use a standard sign;
  - vi. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located.
  - vii. A variance is only for the particular sign for which it was granted and any attempt to change the sign terminates the variance. A change or alteration of a sign requires a new permit, as noted in Subsection G., without considering any prior variance or previous subsection. If a sign face is removed from a non-conforming sign, then all appurtenant hardware, including the sign cabinet/case associated with that face, shall also be removed.

#### 4.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

The following regulations are intended to supplement the State health regulations established by the Tennessee Trailer Court Act of 1957, Sections 68-24-101 through 68-24-120, Tennessee Code, by ensuring a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

##### A. Mobile Home Park Building Permit

- (1) The application for a "mobile home park permit" shall be filed with and issued by the Robertson County Department of Environment and Conservation, as authorized by Section 68-24-103, of the Tennessee Code. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until the Building Commissioner has issued a mobile home park building permit. The mobile home park building permit may be issued only upon approval of the special exception by the Coopertown Board of Zoning Appeals. The Board shall act upon an application for a permit after receipt of a report from the Coopertown Municipal Planning Commission.
- (2) **Site Plan Required.** A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the Coopertown Planning Commission and the Board of Zoning Appeals of a site development plan containing the following information.
  - a) The name and address of the applicant.
  - b) The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
  - c) The location, size, and number of all mobile home spaces.
  - d) The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
  - e) The proposed use of buildings shown on the site plan.
  - f) The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
  - g) The location and number of all off-street parking facilities.
  - h) The location of park and recreation areas.
  - i) A complete drainage plan with contour lines at five (5) feet.
  - j) A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.

- k) 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.
  - l) Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Building Commissioner, the planning commission, and the Board of Zoning Appeals to determine if the provision of these regulations are being complied with shall be submitted with the site plan.
- (3) An inspection fee shall be required for approval of a mobile home park, which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.
- (a) The inspection fee shall be established by the Mayor and Board of Aldermen. The fee is nonrefundable.
  - (b) The inspection fee shall be paid to the Building Commissioner prior to the beginning of work on the mobile home park.

B. Development Standards

(1) General

- (a) A mobile home park shall be located only as a special exception within those districts where permitted.
- (b) No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- (c) Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose, which would expose persons of property to hazards.

(2) Minimum Development Size

No mobile home park shall be approved which contains less than eight (8) acres in area or has less than fifteen (15) mobile home spaces.

(3) Dimensional Requirements for Parks

- (a) Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.

- (b) Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.
- (c) 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) Each mobile home park shall be permitted to display, on each street frontage, one identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain hereon only the name and address of the park and may be lighted by indirect lighting only.
- (e) At no time shall the density for the park exceed the maximum permissible density for the district it is located in.

(4) Spacing of Mobile Homes and Site Coverage

- (a) Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.
- (b) There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access street.
- (c) Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

(5) The Mobile Home Lot

(a) General

The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.

(b) Mobile Home Stands

The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks", May, 1977.

(c) Outdoor Living Area

Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.

Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

(6) Utilities and Other Services

- (a) An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively.
- (b) Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Robertson County Department of Environment and Conservation and the Coopertown Board of Zoning Appeals.
- (c) Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
- (d) Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- (e) Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.
- (f) Each mobile home park shall be maintained free of litter and accumulation of any kind of debris that may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

(7) Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Streets or driveways shall provide such access. All internal streets shall be private.

(a) Circulation

The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and

their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

(b) Pavement Widths

Pavement widths shall be as follows:

|                        |        |
|------------------------|--------|
| Collector Street       |        |
| with no parking        | 20 ft. |
| with on-street parking | 36 ft. |
| Minor Street           |        |
| with no parking        | 18 ft. |
| with on-street parking | 34 ft. |
| One-Way Minor Street   |        |
| with no parking        | 12 ft. |
| with on-street parking | 28 ft. |

(c) Construction

The internal streets and drives shall be paved in accordance with Town subdivision regulations.

(8) Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

(9) Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

(10) Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

(11) Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

(12) Parking

Off-Street Parking

Paved off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwellings units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

C. Responsibility of Park Management

- (1) The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (2) The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- (3) The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Building Commissioner which includes securing its stability to anchor pins and installing all utility connections.
- (4) The permittee shall maintain a register containing the following information:
  - (a) The name and address of each mobile home occupant.
  - (b) The name and address of the owner of each mobile home and motor vehicle by which it was towed.
  - (c) The make, model, year, and license number of each mobile home and motor vehicle.
  - (d) The date of arrival and of departure of each mobile home.



- (5) The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
- (6) The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
- (7) The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
- (8) The permit to operate shall be conspicuously posted in the mobile home park office at all times.
- (9) The permittee shall be answerable for the violation of any provision of this section.

D. Responsibilities of Park Occupants

- (1) The park occupants shall comply with all applicable requirements of this Zoning Ordinance and shall maintain his/her mobile home lot, its-facilities and equipment in good repair and in a clean and sanitary condition.
- (2) The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.
- (3) Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
  - (a) The storage area shall be provided with a base of impervious material.
  - (b) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
  - (c) The storage area shall be enclosed by skirting.
- (4) The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
- (5) Fire extinguishers, for Class B and C fires, shall be kept at the premises and maintained in working condition.
- (6) All park occupants shall be required to register their pets (dogs and cats) with the park management.
- (7) All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.

- (8) Park occupants shall not be allowed to construct or place pens for animals on the park premises.
- (9) No inoperative automobiles, junk, or non-contained trash shall be allowed within the park.

E. Inspections

- (1) The Building Commissioner is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.
- (2) The Building Commissioner shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.
- (3) Penalties:
  - (a) Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined an amount to be established by the Mayor and Board of Aldermen..
  - (b) Each day that a violation is permitted to exist shall constitute a separate offense.
  - (c) Any extension of an existing mobile home park is considered a non-complying use and is hereby prohibited unless said park is brought up to the standards herein stated.

F. Revocation of Permit

The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

G. Prohibited Structures

- (1) Cabanas, travel trailers, and other similarly enclosed structures are prohibited.
- (2) Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.
- (3) Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

**4.100 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS**

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

Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, 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 above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- 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 Section 4.010, N.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
  - (1) One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  - (2) Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- G. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Coopertown except where a more stringent state or Federal law applies.

**4.110 DEVELOPMENT STANDARDS FOR CEMETERIES**

The following standards shall be imposed upon the development and construction of cemeteries in Coopertown:

- A. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
- B. Any new commercial cemetery shall be located on a site containing not less than twenty (20) acres.
- C. All structures including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
- D. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
- E. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

**4.120 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS**

All transmitter towers and operating equipment shall adhere to the following standards:

- A. All towers constructed shall be the principal use on the property that they are located on. No parcel shall be used for the purpose of constructing a tower that does not meet minimum lot size requirements for the zoning district.
- B. Any new tower constructed shall be capable of supporting co-locations by other Tele-Communication users. Each application for a new tower must be accompanied by written certification that there is not an existing tower capable of supporting a co-location in the area.
- C. 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-1991, utilizing a wind rating of eighty (80) miles per hour plus ice loading for Coopertown, 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.
- D. Each application for a new tower shall include written technical information that the tower will not interfere with public safety communications or disrupt the transmission or reception of radio, television or other communications of adjacent residential and non residential uses.
- E. A site plan in compliance with Section 8.030 shall be approved by the Planning Commission prior to submission to the Board of Zoning Appeals for approval of the use.
- F. All applications for new towers are required to have approval as a "Special Exception" by the Board of Zoning Appeals prior to any permit being issued for construction.
- G. All towers shall be set back from all property lines by a distance that is equal to:
  - (1) for a guyed tower, fifty (50) percent of the height, and

- (2) for a self-supporting tower, equal to the height of the tower.
- H. All applications for permits to build towers in Coopertown must be accompanied by a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- I. The entire area containing the tower, equipment and any guyed supports shall be enclosed with a fence no shorter than six (6) feet in height. Access gates to the site will be locked at all times when the site is not occupied.
- J. Where the tower site abuts or is contiguous to any Residential Zoned District, there shall be provided a continuous, solid screening around the fenced area of the site and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.
- K. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration. Towers not requiring marking or lighting shall have an exterior finish, which enhances compatibility with adjacent land use as approved by the Board of Appeals.
- L. The tower owner is responsible for maintaining the grounds, landscaping and all structures on the tower site in a manner acceptable to the Town.
- M. In the event that the tower owner decides to discontinue operation of the tower, the owner shall notify the Town in writing of when the use shall be discontinued. Unless the owner will maintain the discontinued tower site the tower and all accessory structures are to be removed within nine (9) months.

**4.130 DEVELOPMENT STANDARDS FOR MINI-STORAGE FACILITIES (amended by Ordinance 2017-019, November 28, 2017)**

The following regulations shall apply to all mini-storage facilities. The reviewing agency for this activity is the Coopertown Planning Commission.

**4.131 Procedure for Submission and Review**

A site development plan as specified in Section 8.030, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with the accompanying standards associated with this activity is necessary to any approval.

**4.132 Specific Standards for Activities**

In addition to the bulk standards provided in Article V, Section 5.051 of this Ordinance, the following standards are established for this activity.

- (a) No mini-storage facility shall be approved for a lot less than two (2) acres in size.

- (b) 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 rear of the facility, 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 to allow the passage of light, and shall consist of brick, stone, architectural tile, masonry, wood, or similar materials. Fences constructed entirely of wood are prohibited. Chain-link and other similar woven wire fencing are prohibited.
- (c) No hazardous materials such as flammable liquids, highly combustible or explosive materials or chemicals shall be allowed in any storage units.
- (d) Recreational vehicles, boats and all operational vehicles may be stored outside in designated areas only. All other storage must be within enclosed structures.
- (e) All outdoor lighting shall be angled and shielded to direct illumination onto the established use and away from all adjacent properties. Such lighting shall be sufficient to discourage vandalism and theft.
- (f) No sales or miscellaneous services or business activities shall be conducted on the premises except for the normal commercial transactions between the facility and a renter of a storage unit(s). This includes the establishment of a transfer or commercial warehouse and wholesale business, and garage sales. Auctions coordinated by the mini-storage operator for purpose of expelling abandoned unit items are permitted.
- (g) No servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
- (h) No operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.
- (i) Driveway aisles shall be a minimum of twenty-four (24) feet in width. Where access to storage units is only on one side of the aisle, the aisle may be twenty (20) feet in width.
- (j) A minimum of one (1) parking space shall be provided for every 3,000 sq. ft. of storage cubicles or fraction thereof plus one (1) space for each employee at maximum shift, and located adjacent to the facility's office.
- (k) All mini-storage facilities shall be adequately landscaped as provided in the bulk standards for the CA zoning district in ART V, Section 5.051. Any facility that abuts an agricultural or residential zoned parcel shall provide adequate buffering as provided in ART III, Section 3.100.
- (l) Any proposed signage shall be required to comply with the provisions in ART IV, Section 4.080 for Signs allowed in Commercial districts.

**ARTICLE V**  
**ZONING DISTRICTS**

**SECTION**

- 5.010 Classification Districts
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Agricultural and Residential District Regulations
- 5.050 Commercial District Regulations
- 5.060 Industrial District Regulations
- 5.070 Historic Zoning Overlay District

**5.010 CLASSIFICATION OF DISTRICTS**

For the purpose of this ordinance, the following zoning districts are hereby established in Coopertown, Tennessee:

A. General Use Districts

(1) Agricultural and Residential Districts

- A     Agricultural District**
- RA    Rural Residential District**
- RB    Suburban Residential District**
- RC    Urban Fringe Residential District**

(2) Commercial Districts

- CA    General Commercial District**
- CB    Interchange Commercial District**

(3) Industrial Districts

- IA    General Industrial District**
- IB    Heavy Industrial District**
- IC    Special Impact Industrial District**

B. Overlay Districts

- PUD    Planned Unit Development Districts**
- CDOD  Conservation Design Overlay Distircts**
- F      General Floodplain Districts**
- H      Historic Zoning Overlay Districts**

**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, entitled, "Zoning Map of Coopertown, 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 zoning map and zoning map amendments shall be maintained in the office of the Coopertown Building Commissioner 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 on the zoning map amendment, the district boundaries lot lines, center lines of streets or alleys, or the Coopertown boundary lines as they exist at the time of the enactment of the zoning ordinance. The Coopertown Board of Zoning Appeals shall determine questions concerning the exact locations of district boundaries.

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

### **5.040 AGRICULTURAL AND RESIDENTIAL DISTRICT REGULATIONS**

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

#### **5.041 A, Agriculture District**

1. Because agricultural and forestry activities comprise an important segment of the economy of Coopertown, these districts were designed to provide suitable areas for the growing of crops, animal husbandry, dairying, forestry, and other similar activities which usually occur in and characterize rural rather than urban areas. These districts are designed, furthermore, to provide for very low density residential development generally on large tracts of land whereon public sanitary sewer service and, in many cases, public water supply is least practical. These districts may also include community facilities, public utilities, limited retail and service activities, and open uses which serve specifically the residents of these districts or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments or influences incompatible with a rural environment.
2. Uses and Structures
  - a) General Provisions

Table 5-A, presents a tabulation of uses and structures which are classified as "principal permitted" (P), or "special exception" (SE) uses within the various residential districts. The supplemental design provisions with which (P) and (SE) uses and activities are required to comply are presented in Article IV.
  - b) Principal Permitted Uses (P)

Principal permitted uses are permitted as a matter of right within the district indicated, subject to all requirements established for the district wherein the use is located.



c) Use Permitted with Supplemental Provisions

A use permitted with supplemental provisions is an activity, use or structure that is permitted subject to a finding by the Building Commissioner that the specific standards indicated for the use in question have been met. Only those uses and structures so indicated in Table 5-A, may be allowed within the districts indicated.

d) Special Exception Uses (SE)

A special exception use is an activity, use, or structure that may require large land area, have unique operating, traffic generating or other characteristics that may tend to dominate or adversely affect the area more than do other uses permitted within the same zone district. Because the impacts of these uses cannot be satisfactorily predetermined for every possible location within a zone district, these land uses are permitted only upon approval by the Board of Appeals. Only those uses and structures so indicated in Table 5-A, may be allowed within the districts indicated.

e) Accessory Uses and Structures

TABLE 5-A, presents a tabulation of accessory uses and structures which are permitted within the district.

- i) With the exception of signs, accessory structures shall not be erected in any required front yard.
- ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

f) Uses Prohibited

In the A, Agricultural District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

3. Dimensional Requirements

All uses permitted in the A, Agricultural District, shall comply with the following requirements.

a) Minimum Lot Size

|                                    |         |
|------------------------------------|---------|
| Minimum Area per Dwelling Unit     | 4 acre  |
| Lot Width at Building Setback Line | 250 ft. |

b) Minimum Yard Requirements

|                    |        |
|--------------------|--------|
| Front Yard Setback | 75 ft. |
| Side               | 30 ft. |
| Rear               | 60 ft. |

c) Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed twenty (20) percent of the total area.

d) Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Section 7.040.

e) Parking Space Requirements

As regulated in, Section 4.010.

**5.042 RA, Rural Residential**

1. District Description

These districts are intended to be utilized in areas, where due to remoteness, the absence of necessary urban services, or the continuation of farming or agricultural activities, development of a suburban density is undesirable or unfeasible. These districts are, therefore, designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally, the residential development will consist of single-family detached dwellings and accessory structures, but the districts may also include community facilities, public utilities and open uses which serve specifically the residents of those districts or which are benefited by an open residential environment without creating objectionable or undesirable influences upon such development. It is the express purpose of this ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

2. Uses and Structures

a) Principal Uses

The uses and structures indicated in Table 5-A, as "principal permitted" (P), or "special exception" (SE) uses are allowable within the various districts subject to any supplemental provisions or conditions required for such uses.

b) Accessory Uses and Structures

Table 5-A, presents a tabulation of accessory uses and structures which are permitted within the district.

- i) With the exception of signs, accessory structures shall not be erected in any required front yard.
- ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

c) Uses Prohibited

In the RA, Rural Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

d) Dimensional Requirements

All uses permitted in the RA, Rural Residential District, shall comply with the following requirements.

a) Minimum Lot Size

|                                |                |
|--------------------------------|----------------|
| Minimum Area per Dwelling Unit | 40,000 sq. ft. |
| Lot Width at Building Setback  | 150 ft.        |

b) Minimum Yard Requirement

|                    |        |
|--------------------|--------|
| Front Yard Setback | 60 ft. |
| Side               | 20 ft. |
| Rear               | 35 ft. |

c) Maximum Lot Coverage

On any lot, the area occupied by all including accessory structures, shall not exceed twenty (20) percent of the total area.

d) Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Section 7.040.

e) Parking Space Requirements

As regulated in, Section 4.010.

f) Landscaping

The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

**5.043 RB, Suburban Residential District**

1. District Description

These districts are designed to provide suitable areas for low to medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Most generally, these districts will be characterized by single-family detached structures and such other structures as are accessory thereto. These districts also include community facilities, public utilities and open uses which serve specifically the residents of those districts or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning

ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

2. Uses and Structures

a) Principal Uses

The uses and structures indicated in Table 5-A, as "principal permitted" (P), or "special exception" (SE) uses are allowable within the various districts subject to any supplemental provisions or conditions required for such uses.

b) Accessory Uses and Structures

Table 5-A, presents a tabulation of accessory uses and structures which are permitted within the district.

- i) With the exception of signs, accessory structures shall not be erected in any required front yard.
- ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

c) Uses Prohibited

In the RB, Suburban Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

3. Dimensional Requirements

All uses permitted in the RB, Suburban Residential District, shall comply with the following requirements.

a) Minimum Lot Size

|                               |                |
|-------------------------------|----------------|
| Minimum Area                  | 30,000 sq. ft. |
| Lot Width at Building Setback | 125 sq. ft.    |

b) Minimum Yard Requirements

|                    |        |
|--------------------|--------|
| Front Yard Setback | 50 ft. |
| Side               | 20 ft. |
| Rear               | 20 ft. |

c) Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area.

d) Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 7.040.

e) Parking Space Requirements

As regulated in Section 4.010.

f) Landscaping

The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

**5.044 RC, Urban Fringe Residential District**

1. District Description

These districts are designed to provide areas which are highly compatible with the residential development found along the fringes of the incorporated areas of Coopertown. This district is particularly suitable for areas adjacent to urban centers where a full compliment of urban services, specifically including water services adequate to provide fire protection and public waste water service is available. Although these districts will be most generally characterized by single family detached dwellings and such other structures as accessory thereto, the districts are designed to accommodate a wide variety of housing types along with the public services and facilities required to adequately support such development. It is the express purpose of this ordinance to exclude from these districts 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 exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

2. Uses Permitted

a) Principal Uses

The uses and structures indicated in Table 5-A, as "principal permitted" (P), or "special exception" (SE) uses are allowable within the various districts subject to any supplemental provisions or conditions required for such uses.

b) Accessory Uses and Structures

Table 5-A, presents a tabulation of accessory uses and structures which are permitted within the district.

i) With the exception of signs, accessory structures shall not be erected in any required front yard.

ii) Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

c) Uses Prohibited

In the RC, Urban Fringe Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

3. Dimensional Requirement

All uses permitted in the RC, Urban Fringe Residential District, shall comply with the following requirements:

a) Minimum Lot Size

For One-, Two-, and Three-Family Dwellings:

|                             |                |
|-----------------------------|----------------|
| Minimum Lot Area            | 20,000 sq. ft. |
| Minimum Lot Area per Family | 20,000 sq. ft. |

For Multi-Family Dwellings with Four (4) or more Dwelling Units - with Sewer Connection:

|  |                |
|--|----------------|
| Minimum Lot Area                       | 80,000 sq. ft. |
| Maximum Overall Density per Gross Acre | 8 units        |

Minimum Width at Building Setback

|                                    |         |
|------------------------------------|---------|
| Single Family and Duplex Dwellings | 100 ft. |
| Multi-Family Dwellings             | 150 ft. |

b) Minimum Yard Requirements

Single Family and Duplex Dwellings

|                    |        |
|--------------------|--------|
| Front Yard Setback | 40 ft. |
| Side               | 15 ft. |
| Rear               | 20 ft. |

Multi-Family Dwellings

|                    |        |
|--------------------|--------|
| Front Yard Setback | 60 ft. |
| Side               | 25 ft. |
| Rear               | 30 ft. |

c) Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area.

d) Height Requirements

No principal building shall exceed three (3) stories or thirtyfive (35) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height to a maximum of fifty (50) feet. No accessory structure shall exceed two (2) stories in height. Exceptions to these provisions are provided in Section 7.040, of this ordinance.

e) Parking Space Requirements

As regulated in Section 4.010.

f) Landscaping

For a single principal structure on a lot the front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

## **5.050 COMMERCIAL DISTRICT REGULATIONS**

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

### **5.051 CA, General Commercial District**

1. District Description (amended by Ordinance 2015-006, November 24, 2015)

These districts are established to provide areas in which the principal uses of land are devoted to general and highway commercial activities along the principal thoroughfares in Coopertown. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Coopertown and to provide for necessary off-street parking and loading. All activities permitted in this district shall be restricted to lots fronting arterial roads as indicated on the latest official thoroughfare plan, limited to Hwy 431 from the northern corporate limits near the intersection with Mt. Sharon Road southward to the county line, and Hwy 49 from the intersection with Mt. Zion Road to H. York Road as depicted on the Official Zoning Map.

2. Uses and Structures

a) Principal Uses

The uses and structures indicated in Table 5-A as "principal permitted" (P), or "special exception" (SE) uses are allowable within the various districts subject to any supplemental provisions or conditions required for such uses.

b) Accessory Uses and Structures

Table 5-A, presents a tabulation of accessory uses and structures which are permitted within the district.

c) Uses Prohibited

In the CA, General Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

3. Dimensional Requirements

All uses permitted in the CA, General Commercial District, shall comply with the following requirements.

a) Minimum Lot Size

|                               |                |
|-------------------------------|----------------|
| Minimum Lot Area              | 20,000 sq. ft. |
| Lot Width at Building Setback | 100 ft.        |

b) Minimum Yard Requirements

|                    |        |
|--------------------|--------|
| Front Yard Setback | 50 ft. |
| Side               | 10 ft. |

except where the side yard abuts or is adjacent to a residential district in which case the minimum setback for shall be forty (40) feet.

|      |        |
|------|--------|
| Rear | 20 ft. |
|------|--------|

except where the rear yard abuts or is adjacent to a residential district in which case the minimum setback for that yard shall be forty (40) feet.

c) Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures including accessory structures, shall not exceed forty (40) percent of the total area of the lot.

d) Height Requirements

No principal structure shall exceed thirty-five (35) feet or three (3) stories in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 7.040.

e) Parking Space Requirements

As regulated in Section 4.010.

f) Landscaping

Ten (10) percent of the lot area of a tract shall be landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along street property lines, exclusive of business driveways and walkways, and along any yard which abuts a residential district.



## 5.052 CB, Interchange Commercial District

### 1. District Description

The intent of the Interchange Commercial District is to provide maximum flexibility in design and to insure a minimum standard of site development for commercial activities involving the interstate location within the Town of Coopertown. This zone is intended for a unified grouping of commercial buildings, that do not require or desire a central business district location. Proposed commercial development projects located within this district shall conform to the intent and permitted uses for the interchange commercial overlay district. It is the objective of this district to achieve the highest quality site design, building arrangement, landscaping and traffic circulation patterns possible. This zone is designated for typical interstate exchange uses including, but not limited to, hotels, motels, fast food chains gasoline stations and convenience stores.

### 2. Use Regulations

#### a) Principal Uses

The uses and structures indicated in Table 5-A as "principal permitted" (P), or "special exception" (SE) uses are allowable within the various districts subject to any supplemental provisions or conditions required for such uses.

#### b) Accessory Uses and Structures

Table 5-A, presents a tabulation of accessory uses and structures which are permitted within the district.

#### c) Uses Prohibited

In the CB, Interchange Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

### 3. Dimensional Requirements

All uses permitted in the CB, Interchange Commercial District, shall comply with the following requirements:

#### a) Minimum Lot Size

|                               |                |
|-------------------------------|----------------|
| Minimum Lot Area              | 30,000 sq. ft. |
| Lot Width at Building Setback | 150 ft.        |

#### b) Minimum Yard Requirements

|                               |        |
|-------------------------------|--------|
| Front Yard Setback            |        |
| Adjacent to Public R.O.W.     | 30 ft. |
| Not Adjacent to Public R.O.W. | N/A    |

|                         |        |
|-------------------------|--------|
| Side                    |        |
| Adjacent to R.O.W.      | 15 ft. |
| Interior                | 0 ft.  |
| Adjacent to residential | 40 ft. |
| Rear                    |        |
| Adjacent to R.O.W.      | 15 ft. |
| Interior                | 0 ft.  |
| Adjacent to residential | 40 ft. |

c) Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures including accessory structures, shall not exceed forty (40) percent of the total area of the lot.

d) Height Requirements

No principal structure shall exceed thirty-five (35) feet or three (3) stories in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 7.040.

e) Parking Space and Loading Requirements

Accessory off-street parking and loading facilities as required in Section 4.010.

f) Accessory Structures

Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

g) Landscaping

All lots, parcels or leased property shall have a landscaped area of at least five (5) feet wide running the entire length of the property frontage (minus the ingress/egress sections).

h) Open Space

All lots, parcels or leased property shall have a minimum of fifteen (15) percent open space. The land area that includes drainage areas such as retention/detention ponds may count for a maximum of five (5) percent towards the total fifteen (15) percent required open space. If the drainage area is designed with fountains, man-made streams or waterfalls, or other amenities, then the entire drainage area may count towards the minimum fifteen (15) percent required open space.

i) Pedestrian Walkways (Amended by Ordinance 2014-002, March 25, 2014)

All lots, parcels or leased property shall provide for pedestrian walkways as specified below:

Pedestrian walkways shall be composed of concrete or aggregate materials at a minimum of five (5) feet wide.

The Town intends that in the CB district, sidewalks shall be required on both sides of private and public right-of-ways.

If there is only one building proposed, a pedestrian walkway shall be constructed to connect to an existing or proposed sidewalk, or it shall be extended to the side-yard property lines so as to connect to adjacent properties.

Any new development shall construct a sidewalk along the property line adjacent to and within the public right-of-way. If there is a sidewalk along the property line of an adjacent property and the public right-of-way, then the sidewalk shall be constructed to extend along the new development and within the public right-of-way.

4. On-Site Drainage and Erosion Control Measures **(amended by Ordinance 2017-003, March 28, 2017)**

All storm-water drainage and soil erosion must be controlled and maintained on-site. It is recommended that the storm-water drainage system be enhanced by means of man-made streams, waterfalls and/or fountains. The entire drainage system with one or more of these design features will count entirely towards the open space requirement.

5. General Provisions

a) Streets

- i) All lots, parcels, out parcels or leased lots shall have ingress/egress from public or private streets/drives.
- ii) All lots, parcels, out parcels or leased lots shall have access to a street (whether public or private) with a minimum fifty (50) foot right-of-way and a minimum pavement width of twenty-eight (28) feet.
- iii) A private drive will not be accepted by the Town of Coopertown as a public right-of-way unless it is built to Town standards and meets all zoning requirements (including building setbacks).
- iv) All streets shall be constructed to Town street standards. A public right-of-way shall be built to connect the adjacent properties, in order to create connectivity. If due to topographic conditions or some other physical constraint, this may be waived by the Planning Commission.
- v) Depending on the size and type of development, the Planning Commission may require a Traffic Impact Study at the developers expense. The study shall be completed by a licensed engineer, with expertise in traffic engineering, and presented at the same time as the site plan for approval. The Town Engineer shall review and determine if the Traffic Impact Study is complete and acceptable.

- vi) The minimum dimensions for Cul-de-sacs are:
 

|   |           |
|---|-----------|
| Total Length<br>(measured centerline to center of cul-de-sac) | 1,000 ft. |
| R.O.W. Radius   | 50 ft.    |
| Diameter of Paved Area  | 80 ft.    |
| Transition Curve Radius                                       | 75 ft.    |
- vii) Any proposed public street or private drive shall be perpendicular (90) degree angle) to:
  - (a) Any existing public R.O.W.
  - (b) Any other proposed public R.O.W.
  - (c) Any other proposed private R.O.W.

b) Signs

Signs in compliance with the regulations set forth in Section 4.080, with the following exceptions:

- i) Signs which measure a minimum of thirty-two (32) square feet in display area but not more than three hundred (300) square feet in display area shall be limited to the CB, Interchange Commercial District.
- ii) Interstate signs shall be allowed in addition to the allowable monument, wall, marquee, projecting, awning or canopy signs. Changeable-copy pole signs shall be prohibited if an interstate sign is constructed on the property.
- iii) No interstate sign shall be erected closer than one hundred (100) feet from any residential zoned district. For the purposes of determining the spacing required, distances shall be measured from the sign structure to the property line of the nearest residential zoned district.
- iv) The proximity to any other interstate sign shall be subject to planning commission approval. The sign permit applicant shall provide specific distance measurements to all other signs of said type within a fifteen hundred (1500) foot radius. For the purpose of determining the distance requirements, the distance shall be measured from the proposed sign structure to the next closest sign structure.
- v) The height of all interstate sign structures shall receive approval from the Planning Commission and shall be a minimum of thirty (30) feet in height and shall not exceed seventy-five (75) feet in height, measure from the centerline elevation of access to property.

- vi) Location of the interstate sign shall be prohibited within the building setbacks of the property.
- vii) In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the Planning Commission shall make an interpretation of the ordinance. Such interpretation shall be made in writing and given to the Building Commissioner to be kept in the permanent record for that site application.

## **5.060 INDUSTRIAL DISTRICT REGULATIONS**

The following regulations shall apply in the Industrial Districts established in Section 5.010, of this ordinance.

### **5.061 IA, General Industrial District**

#### **1. District Description**

This district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, and commercial establishments and community facilities which provide needed services for industry and are complimentary thereto are permitted.

#### **2. Uses and Structures**

##### **a) Principal Uses**

The uses and structures indicated in Table 5-A, as "principal permitted" (P), or "special exception" (SE) uses are allowable within the various districts subject to any supplemental provisions or conditions required for such uses.

##### **b) Accessory Uses and Structures**

Table 5-A, presents a tabulation of uses and structures which are permitted within the district.

##### **c) Uses Prohibited**

In the IA, General Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

#### **3. Dimensional Requirements**

All uses permitted in the IA, General Industrial District, shall comply with the following requirements:

a) Minimum Lot Size

|                               |                |
|-------------------------------|----------------|
| Minimum Lot Area              | 40,000 sq. ft. |
| Lot Width at Building Setback | 125 ft.        |

b) Minimum Yard Requirements

Front Yard Setback 50 ft.

Side Yard Setback 20 ft.

except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be fifty (50) feet.

Rear Yard Setback 20 ft.

except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be fifty (50) feet.

No yard shall be required for that portion of the tract that fronts on or abuts a railroad right-of-way.

c) Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed fifty (50) percent of the total area.

d) Height Requirements

No principal structure shall exceed forty (40) feet in height, except as provided in Section 7.040.

e) Parking Space Requirements

As regulated in Section 4.010.

f) Accessory Structures

i) With the exception of signs, accessory structures shall not be erected in any required front yard.

ii) Accessory structures shall be located at least ten (10) feet from any side lot line, from the rear lot line, and from any building on the same lot.

g) Landscaping

Ten (10) percent of the lot area of a tract shall be landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be

maintained a landscaped strip at least ten (10) feet wide along street property lines, exclusive of business driveways and walkways, and along any yard which abuts a residential district.

**5.062 IB, Heavy Industrial District**

1. These districts are intended to provide space for the types of industrial activities, which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from non-industrial uses. New residential activities are excluded, and commercial establishments and community facilities which provide needed services for industry and are complimentary thereto are permitted.

2. Uses and Structures

a) Principal Uses

The uses and structures indicated in Table 5-A, as "principal permitted" (P), or "special exception" (SE) uses are allowable within the various districts subject to any supplemental provisions or conditions required for such uses.

b) Accessory Uses and Structures

Table 5-A, presents a tabulation of uses and structures which are permitted within the district.

c) Uses Prohibited

In the IB, Heavy Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

3. Dimensional Requirements

All uses permitted in the IB, Heavy Industrial District, shall comply with the following requirements:

a) Minimum Lot Size

|                               |         |
|-------------------------------|---------|
| Minimum Lot Area              | 1 acre  |
| Lot Width at Building Setback | 150 ft. |

b) Minimum Yard Requirements

|                    |        |
|--------------------|--------|
| Front Yard Setback | 50 ft. |
|--------------------|--------|

|                   |        |
|-------------------|--------|
| Side Yard Setback | 20 ft. |
|-------------------|--------|

except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be one hundred (100) feet

Rear Yard Setback 20 ft.  
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that side yard shall be one hundred (100) feet.

No yard shall be required for that portion of the tract that fronts on or abuts a railroad right-of-way.

c) Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed fifty (50) percent of the total area.

d) Height Requirements

No principal structure shall exceed forty (40) feet in height, except as provided in Section 7.040.

e) Parking Space Requirements

As regulated in Section 4.010.

f) Accessory Structures

i) With the exception of signs, accessory structures shall not be erected in any required front yard.

ii) Accessory structures shall be located at least ten (10) feet from any side lot line, from the rear lot line, and from any building on the same lot.

g) Landscaping

Ten (10) percent of the lot area of a tract shall be landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along street property lines, exclusive of business driveways and walkways, and along any yard which abuts a residential district.

**5.063 IC, Special Impact Industrial District**

1. District Description and Purpose

This district is designed to provide suitable areas for those uses, which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the



proposed use should be permitted through a rezoning to the IC, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts, which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of Coopertown will be affected.

2. Site Location Criteria

- a) The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.
- b) The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
- c) The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
- d) The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
- e) The proposed site will be adequately served by public utilities and services to ensure a safe operation.
- f) The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
- g) Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for Coopertown.
- h) The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
- i) The proposed site will not be located within a one hundred (100) year floodplain or wetland.

3. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the IC, Special Impact Industrial District.

a) Preliminary Review

All applications for rezoning to the IC, Special Impact Industrial District, shall be made by the landowner or his/her authorized agent to the Building Commissioner in accordance with the provisions of this section. All applications for rezonings shall be accompanied by:

i) Preliminary Development Plan to Include the Following Information:

- (a) Letter from the owner detailing the proposed zoning change.
- (b) Location map of the proposed site, including size of the property.
- (c) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').
- (d) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
- (e) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Coopersville Major Road Plan.
- (f) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
- (g) A tabulation of the land areas to be devoted to all uses and activities.
- (h) Ability of the site to be able to meet the Site Location Criteria in Subpart 2, above, along with the General Requirements, in Subpart 8, and the Requirements for Specific Uses, in Subpart a), below, for the proposed use of the property.

ii) Operational Data to Include the Following Information:

- (a) Type of operation and detailed description of the operation.
- (b) Average number of vehicles entering and leaving site on a daily basis and the routes taken.
- (c) Types of Federal and State permits required for operation of the proposed facility.
- (d) Safety measures to be used on site as well as the system for dealing with complaints.
- (e) Ultimate use and ownership of the site after completion of operation. (Landfills only.)

iii) Environmental Assessments to Include the Following Information:

- (a) Geological data on the site as prepared by a Tennessee licensed geologist.
- (b) Effects of the proposed use on ground water quality in the area.
- (c) Effects of the proposed use on air quality in the area.
- (d) Potential danger to any surface water or water supply.

b) Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the Municipal Commission whether the proposed use should be rezoned to the IC, Special Impact Industrial District. If the Municipal Commission approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

c) Final Development Plan Review

After approval of the rezoning by the Municipal Commission, the landowner may make application to the planning commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

i) Final Development Plan shall Include the Following:

- (a) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
- (b) Site plan to be at a scale of one inch equals two hundred feet (1"=200').
- (c) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).

- (d) Stages of development of the site and the expected time of completion.
- (e) Copies of all required Federal and State permits the applicant has obtained.
- (f) Final site plan shall be in compliance with Subsection 8, 9, and 10, below, for the proposed use of the property.

ii) Site and Geological Data

- (a) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.
- (b) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
- (c) Ground water movements and aquifer information.
- (d) Existing vegetation cover on the site.
- (e) Annual climate of the area, including annual precipitation and wind direction.

4. Uses Permitted

In the IC, Special Impact Industrial District, the following uses are permitted:

a) Special Impact Facilities

Arsenals  
 Atomic Reactors  
 Explosives Manufacturing and Storage  
 Fireworks Manufacturing  
 Hazardous Wastes  
 Radioactive Wastes  
 Solid Waste Landfills  
 Solid Waste Processing and Recycling  
 Waste Incinerators, Including Hospital and Medical Waste

5. Accessory Uses and Structures

- a) Signs in compliance with the regulations set forth in Section 4.080.
- b) Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.
- c) Accessory off-street parking and loading facilities as required in Section 4.010.

6. Uses Permitted as Special Exceptions

There are no uses permitted as special exceptions in the IC, Special Impact Industrial District except Adult-Oriented Businesses.

7. Uses Prohibited

In the IC, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

8. General Requirements Applicable to All Uses

- a) No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
- b) Side slopes of excavation and fills in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
- c) A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.
- d) Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
- e) The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
- f) A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
- g) The finished surface of the site shall bear the proper relationship to that of adjoining properties.
- h) The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
- i) The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.

- j) The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.
- k) Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Environment and Conservation.

9. Requirements for Specific Uses

a) Requirements for Incinerators and Atomic Reactors

- i) No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- ii) All organic or combustible materials delivered to the site shall be burned in the incinerator.
- iii) All residue resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- iv) All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.
- v) All separation or picking of waste materials shall be conducted in an enclosed building only.
- vi) A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

b) Requirements for the Manufacture or Storage of Explosives Munitions or Fireworks

- i) Any such facility shall not be located on a site having an area of less than fifty (50) acres.
- ii) No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- iii) A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

- c) Requirements for Solid Waste Landfills
  - i) All areas used for filling operations shall maintain the minimum setback as required by this section.
  - ii) No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
  - iii) All separation or picking of waste materials shall be conducted in enclosed building only.
  - iv) The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
  - v) Entrance to the site shall be controlled at all times to prevent improper dumping on the site.
- d) Requirements for Hazardous and Radioactive Wastes
  - i) No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
  - ii) All residue resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
  - iii) All areas used for filling operations shall maintain the minimum setback as required by this section.
  - iv) A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

10. Dimensional Requirements

All uses permitted in the I-C, Special Impact Industrial District, shall comply with the following requirements:

a) Minimum Lot Size

|                               |          |
|-------------------------------|----------|
| Minimum Lot Area              | 10 acres |
| Lot Width at Building Setback | 500 ft.  |

b) Minimum Yard Requirements

Front Yard Setback 150 ft.

Side Yard Setback 100 ft.

except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

Rear Yard Setback 100 ft.

except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.

c) Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of the total area.

d) Height Requirements

No principal structure shall exceed forty (40) feet in height, except as provided in Section 7.040.

e) Parking Space Requirements

As regulated in, Section 4.010.

f) Accessory Structures

i) With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.

ii) Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

g) Peripheral Buffer Zone Requirements

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required



plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

11. Performance Bond Required

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Building Commissioner shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the Planning Commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

TABLE 5-A

(Amended by Ordinance 2014-001, May 25, 2014; amended by Ordinance 2015-006, November 24, 2015; amended by Ordinance 2016-002, January 11, 2016; amended by Ordinance 2016-003, July 26, 2016; amended by Ordinance 2017-019)

USES AND STRUCTURES

In anticipation of any use(s) which are not specifically listed in this table, the Town shall utilize the most current North American Industrial Classification System (NAICS) to assist with determining and classifying an activity type(s) to the most appropriate zoning district(s).

Refer to ARTICLE II, SECTION 2.030 of this Ordinance for uses permitted in each use category listed below.

| PRINCIPAL USE  | DISTRICTS                |    |    |    |            |    |            |    |    |
|--|--------------------------|----|----|----|------------|----|------------|----|----|
|  | Agricultural/Residential |    |    |    | Commercial |    | Industrial |    |    |
|  | A                        | RA | RB | RC | CA         | CB | IA         | IB | IC |
| <b><u>RESIDENTIAL ACTIVITIES</u></b>   |                          |    |    |    |            |    |            |    |    |
| <b>1. Permanent Residential</b>  |                          |    |    |    |            |    |            |    |    |
| Detached single-family Dwellings   | P                        | P  | P  | P  |            |    |            |    |    |
| Duplex Dwellings   |                          | P  | P  | P  |            |    |            |    |    |
| Mobile Home Dwellings  | P                        |    |    |    |            |    |            |    |    |
| Mobile Home Park   |                          |    |    | SE |            |    |            |    |    |
| Multi-family Dwellings   |                          |    |    | P  | P          |    |            |    |    |
| <b>2. Semi-Permanent Residential</b>   |                          |    |    |    |            |    |            |    |    |
| Boarding and Rooming Houses  |                          |    |    |    |            |    |            |    |    |
| <b><u>COMMUNITY FACILITY ACTIVITIES</u></b>                                      |                          |    |    |    |            |    |            |    |    |
| <b>1. Administrative Services</b>  |                          |    |    |    |            |    |            |    |    |
|  | SE                       | SE | SE | SE | P          |    |            |    |    |
| <b>2. Community Assembly</b>   |                          |    |    |    |            |    |            |    |    |
|  | SE                       | SE | SE | SE | P          |    |            |    |    |
| <b>3. Community Education</b>  |                          |    |    |    |            |    |            |    |    |
|  | SE                       | SE | SE | SE |            |    |            |    |    |
| <b>4. Cultural and Recreational Services</b>                                     |                          |    |    |    |            |    |            |    |    |
|  | SE                       | SE | SE | SE | P          |    |            |    |    |
| <b>5. Essential Services</b>   |                          |    |    |    |            |    |            |    |    |
|  | P                        | P  | P  | P  | P          | P  | P          | P  |    |
| <b>6. Extensive Impact Facilities</b>  |                          |    |    |    |            |    |            |    |    |
| Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices          |                          |    |    |    |            |    |            | SE |    |
| Correction and Detention Institutions  |                          |    |    |    |            |    |            | P  |    |
| Electricity Generating Facilities  |                          |    |    |    |            |    |            | SE |    |
| Electricity Transmission Lines   |                          |    |    |    |            |    |            | P  |    |
| Major Fuel Transmission Lines and Facilities                                     |                          |    |    |    |            |    |            | P  |    |
| Major Mail Processing Centers  |                          |    |    |    |            |    |            |    |    |
| Military Installations   |                          |    |    |    |            |    |            | SE |    |
| Public and Private Utility Corporations and Truck Yards, Including Storage Yards |                          |    |    |    |            |    |            | P  |    |
| Railroad Yards and Other Transportation Equipment Marshalling and Storage Yards  |                          |    |    |    |            |    |            | P  |    |

Table 5-A, continued

| PRINCIPAL USE   | DISTRICTS                |    |    |    |            |    |            |    |    |
|---|--------------------------|----|----|----|------------|----|------------|----|----|
|   | Agricultural/Residential |    |    |    | Commercial |    | Industrial |    |    |
|   | A                        | RA | RB | RC | CA         | CB | IA         | IB | IC |
| 7. Health care facilities                               |                          |    | SE | SE | P          |    |            |    |    |
| 8. Intermediate Impact Facilities                       | SE                       | SE | SE | SE | SE         |    | P          | P  |    |
| Cemeteries, Columbariums, & Masoleums                   | SE                       | SE | SE | SE | P          | P  | P          | P  |    |
| 9. Personal and Group Care Facilities                   | SE                       | SE | SE | SE |            |    |            |    |    |
| 10. Religious Facilities                                | SE                       | SE | SE | SE | P          | P  | P          | P  |    |
| <b>COMMERCIAL ACTIVITIES</b>                            |                          |    |    |    |            |    |            |    |    |
| 1. Animal Care and Veterinarian Services                | SE                       |    |    |    | P          |    | P          | P  |    |
| Commercial outdoor Kennels                              | SE                       |    |    |    |            |    |            |    |    |
| 2. Automotive Parking                                   |                          |    |    |    | P          |    |            |    |    |
| 3. Automotive Services and Repairs                      |                          |    |    |    | P          | P  |            |    |    |
| 4. Building Materials and Farm Equipment                |                          |    |    |    | P          |    | P          | P  |    |
| 5. Consumer Repair Services                             |                          |    |    |    | P          |    |            |    |    |
| 6. Construction Sales and Services                      |                          |    |    |    |            |    | P          | P  |    |
| 7. Convenience Commercial                               | SE                       |    |    |    | P          | P  |            |    |    |
| Self-service Gasoline Sales                             |                          |    |    |    | P          | P  | P          | P  |    |
| 8. Entertainment and Amusement Services                 |                          |    |    |    | P          |    |            |    |    |
| Indoor Shooting Ranges and Firearms Training Facilities |                          |    |    |    | SE         |    |            | SE |    |
| 9. Financial, Consulting and Administrative Services    |                          |    |    |    | P          |    |            |    |    |
| 10. Food and Beverage Services                          |                          |    |    |    | P          | P  | P          | P  |    |
| 11. General Business and Communication Services         |                          |    |    |    | P          |    |            |    |    |
| 12. General Personal Service                            |                          |    |    |    | P          |    |            |    |    |
| Wedding Chapels   | SE                       |    |    |    |            |    |            |    |    |
| 13. General Retail Trade                                |                          |    |    |    | P          |    |            |    |    |
| Farmer's Market   | SE                       |    |    |    |            |    |            |    |    |
| Flea Market (Outdoor)                                   |                          |    |    |    | SE         |    |            |    |    |

Table 5-A, continued

| PRINCIPAL USE   | DISTRICTS                |    |    |    |            |    |            |    |    |
|---|--------------------------|----|----|----|------------|----|------------|----|----|
|   | Agricultural/Residential |    |    |    | Commercial |    | Industrial |    |    |
|   | A                        | RA | RB | RC | CA         | CB | IA         | IB | IC |
| 14. Group Assembly  |                          |    |    |    | SE         |    |            |    |    |
| Commercial Campgrounds and Resorts  |                          |    |    |    |            | SE |            |    |    |
| 15. Medical and Professional Services                                       |                          |    |    |    | P          |    |            |    |    |
| 16. Transient Habitation  |                          |    |    |    | P          | P  |            |    |    |
| Bed and Breakfast Establishment   | SE                       |    |    |    |            |    |            |    |    |
| Bed and Breakfast Homestay  | P                        | P  | P  | P  |            |    |            |    |    |
| 17. Transport and Warehousing   |                          |    |    |    |            |    | P          | P  |    |
| Mini-Storage Facilities   |                          |    |    |    | P          |    |            |    |    |
| 18. Undertaking Services  |                          |    |    |    | P          |    |            |    |    |
| 19. Vehicular, Craft, and Related   |                          |    |    |    | P          | SE |            |    |    |
| 20. Wholesale Sales   |                          |    |    |    | P          |    | P          | P  |    |
| 21. Other Performing Arts & Theatres  |                          |    |    |    | P          |    |            |    |    |
| Carnivals or Circuses   |                          |    |    |    | SE         | SE | SE         | SE |    |
| Adult-Oriented Businesses   |                          |    |    |    |            |    |            |    | SE |
| <b><u>MANUFACTURING ACTIVITIES</u></b>                                      |                          |    |    |    |            |    |            |    |    |
| 1. Limited Manufacturing Activities   |                          |    |    |    | P          |    | P          | P  |    |
| 2. Intermediate Manufacturing Activities                                    |                          |    |    |    |            |    | SE         | P  |    |
| 3. Extensive Manufacturing Activities                                       |                          |    |    |    |            |    |            | P  |    |
| 4. Special Impact Facilities (See also ART V, Section 5.063 D)              |                          |    |    |    |            |    |            |    | P  |
| <b><u>AGRICULTURAL, RESOURCES PRODUCTION, AND EXTRACTIVE ACTIVITIES</u></b> |                          |    |    |    |            |    |            |    |    |
| 1. Agricultural Services  | P                        |    |    |    |            |    |            |    |    |
| 2. Crop and Animal Raising  | P                        |    |    |    |            |    |            |    |    |
| 3. Plant and Forest Nurseries   | P                        |    |    |    |            |    |            |    |    |
| 4. Commercial Feedlots and Stockyards                                       | SE                       |    |    |    |            |    |            |    |    |
| 5. Mining and Quarrying   |                          |    |    |    |            |    |            | SE |    |

TABLE 5-A, continued

| USE  | DISTRICTS                |    |    |    |            |    |            |    |    |  |
|--|--------------------------|----|----|----|------------|----|------------|----|----|--|
|  | Agricultural/Residential |    |    |    | Commercial |    | Industrial |    |    |  |
|  | A                        | RA | RB | RC | CA         | CB | IA         | IB | IC |  |
| <b>ACCESSORY USES AND STRUCTURES</b><br>(See Section 4.040 for specific conditions relative to accessory uses)   |                          |    |    |    |            |    |            |    |    |  |
| Accessory Agricultural Occupations   | SE                       |    |    |    |            |    |            |    |    |  |
| Accessory Apartment*   | SE                       | SE | SE | SE |            |    |            |    |    |  |
| Accessory Day Care   | SE                       | SE | SE | SE | P          | P  | P          | P  |    |  |
| Accessory Storage  |                          |    |    |    | P          | P  | P          | P  |    |  |
| Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited. | P                        | P  | P  | P  | P          | P  | P          | P  |    |  |
| Drive-thru windows (associated with any use)   |                          |    |    |    | P          | P  | P          | P  |    |  |
| Employee Cafeteria   |                          |    |    |    | P          | P  | P          | P  |    |  |
| Farm Buildings   | P                        | P  | P  |    |            |    |            |    |    |  |
| Major Home occupations and Accessory Agricultural Occupations  | SE                       | SE | SE | SE |            |    |            |    |    |  |
| Minor Home Occupations   | P                        | P  | P  | P  |            |    |            |    |    |  |
| Living quarters for persons regularly employed on the premises   | P                        |    |    |    | SE         | SE | SE         | SE |    |  |
| Outdoor recreational facilities exclusively for the use of the residents   | P                        | P  | P  | P  |            |    |            |    |    |  |
| Outdoor Storage  |                          |    |    |    | SE         | SE | SE         | P  |    |  |
| Parents Day Out  | SE                       | SE | SE | SE | P          | P  | P          | P  |    |  |
| Private barns, stables, sheds, and other farm buildings  | P                        | P  | P  |    |            |    |            |    |    |  |
| Private garages and parking areas  | P                        | P  | P  | P  | P          | P  | P          | P  |    |  |
| Production for Retail Sale   |                          |    |    |    | P          | P  | P          | P  |    |  |
| Residential Occupancy in Connection with Nonresidential Activity   |                          |    |    |    | P          | P  | P          | P  |    |  |
| Stalls or Merchandise Stands for Outdoor Sales at street front; outdoor storage must be behind the principal structure and screened from view from public areas                                |                          |    |    |    |            | SE |            |    |    |  |
| Warehousing accessory to merchandise showroom (within an enclosed structure)   |                          |    |    |    | P          | P  | P          | P  |    |  |

\* See definition for 'Accessory Building or Apartment' in ART II, Section 2.020, and Conditions for Accessory Apartments in ART IV, Section 4.042 of this Ordinance

TABLE 5-A, continued

| USE   | DISTRICTS                |    |    |    |            |    |            |    |    |
|---|--------------------------|----|----|----|------------|----|------------|----|----|
|   | Agricultural/Residential |    |    |    | Commercial |    | Industrial |    |    |
|   | A                        | RA | RB | RC | CA         | CB | IA         | IB | IC |
| <b>TEMPORARY USES AND STRUCTURES</b>  |                          |    |    |    |            |    |            |    |    |
| See Section 4.030, TEMPORARY USE REGULATIONS for conditions applying to individual uses                       |                          |    |    |    |            |    |            |    |    |
| Limited Duration Goods and Merchandise  |                          |    |    |    | SE         | SE | SE         | SE |    |
| Temporary Buildings   |                          |    |    |    | SE         | SE | SE         | SE |    |
| Real Estate Sales Office  | SE                       | SE | SE | SE |            |    |            |    |    |
| Religious Tent Meeting  | SE                       | SE | SE | SE | P          | P  | P          | P  |    |
| Seasonal Sale of Farm Produce   | P                        |    |    |    |            |    |            |    |    |
| Temporary Dwelling Units in Case of Medical Hardships   | SE                       | SE | SE | SE |            |    |            |    |    |
| Temporary Dwelling Unit in Cases of Special Hardship  | SE                       | SE | SE | SE |            |    |            |    |    |
| Temporary Manufacture of Road Materials   | SE                       |    |    |    |            |    |            | P  |    |
| Temporary Mobile Food Sales   |                          |    |    |    | P          | P  | P          | P  |    |
|   |                          |    |    |    |            |    |            |    |    |
| <p>P = Use permitted as matter of right</p> <p>SE = Use permitted by approval of Special Exception permit</p> |                          |    |    |    |            |    |            |    |    |

**5.070 Historic Zoning Overlay District (Added by Ordinance 2010-008, July 27, 2010)**

1. District Description

It is the purpose of this chapter to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures with their appurtenances and environmental settings, and districts of historical, archaeological, architectural or cultural value to the Town of Coopertown. These requirements are adopted pursuant to the authority granted in Section 13-7-401, of the Tennessee Code. The general intent of this provision includes, among others, the following specific purposes:

- a) To preserve and protect the historic and/or architectural value of buildings or other structures;
- b) To regulate exterior design, arrangement, texture and materials proposed to be used within the historic district to ensure compatibility;
- c) To create an aesthetic appearance which complements the historic buildings or other structures;

- d) To stabilize and improve property values;
- e) To foster civic beauty;
- f) To strengthen the local economy; and
- g) To promote the use of historical districts for the education, pleasure and welfare of the present and future citizens of the Town of Coopertown.

## 2. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

- a) Alteration  
Any act or process that changes one (1) or more exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.
- b) Construction  
The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
- c) Demolition  
Any act that destroys the external walls in whole or in part of a structure.
- d) Demolition by Neglect  
The failure to provide ordinary and necessary maintenance and repair to a historic site or a historic resource within a historic district, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such site.
- e) Design Guidelines  
Standards adopted by the Coopertown Historic Zoning Commission which preserve the historic, cultural, and architectural character of an area or of a structure.
- f) An Economic Hardship  
An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.
- g) Historic District  
A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archaeological or cultural values within the Town of Coopertown and which has been so designated by the Historic Zoning Commission.

- h) Historic Landmark  
Any individual historic resource that is significant and contributes to the historical, architectural, archaeological or cultural values within the Town of Coopertown and which has been so designated by Historic Zoning Commission.
- i) Ordinary Repair and Maintenance  
Any work, the purpose of which is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.
- j) Relocation  
Any change of the location of a structure in its present setting or another setting.
- k) Structure  
A work made of interdependent and interrelated parts in a definite pattern of organization.

3) Creation of the Historical Zoning Commission

In order to execute the purposes of this act there is hereby established a commission to be known as the Historic Zoning Commission. The commission shall consist of seven (7) members. All members of the commission shall be appointed by the mayor, and subject to confirmation by the Town Board of Mayor and Aldermen.

- a) Membership of the Historical Zoning Commission Shall Be Composed of the Following Members:
  - i. One (1) member of the Coopertown Municipal Planning Commission.
  - ii. One (1) architect who is a member, or meets membership requirements, of the American Institute of Architects, if available.
  - iii. Five (5) members from the community in general.

b) Terms of Office

The members of the Historic Zoning Commission shall serve for a five (5) year term, except for the members first appointed, who shall serve respectively as follows: One (1) for one (1) year, one (1) for two (2) years, two (2) for three (3) years, two (2) for four (4) years, and one (1) for five (5) years. All members shall serve without compensation and may be removed from membership by the Coopertown Town Board of Mayor and Aldermen.

Vacancies on the Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member; vacancies shall be filled within sixty (60) days.



c) Organization

The Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order and establish regular meeting dates. At least, four (4) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of members of the commission shall constitute final action of the commission on any matter before it.

d) Conflict of Interest

Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of or is affected by a decision of said commission shall be disqualified from voting in the decision and proceedings of the Historic Zoning Commission in connection therewith.

4. Boundaries of Historical Districts and Landmarks

Upon adoption of this ordinance the Historic Zoning Commission shall delineate the boundaries of the historical district or landmark and have it approved by the Coopertown Town Board of Mayor and Aldermen. After the boundary receives approval by the Board, it shall be shown on the zoning map as special overlays to the zoning map. Changes in the boundaries of the historical district or landmarks may occur after a recommendation by the Historical Zoning Commission and approved by the Board.

a.) Historic District Defined

A historic district shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria:

- i) That it is associated with an event which has made a significant contribution to local, state, or national history; or
- ii) That it includes structures associated with the lives of persons significant in local, state, or national history; or
- iii) That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- iv) That it has yielded or may be likely to yield archaeological information important in history or prehistory; or
- v) That is listed in the National Register of Historic Places

b.) Landmark Defined

A historic landmark shall be defined as a building, structure, site or object, its appurtenance and the property it is located on, of high historical, cultural, architectural or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Coopertown and which meets one (1) or more of the following criteria:

- i) That is associated with an event which has made a significant contribution to local, state, or national history;
- ii) That is associated with the lives of persons significant in local, state, or national history;
- iii) That embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic value;
- iv) That has yielded or may be likely to yield archaeological information important in history or prehistory; or
- v) That is listed in the National Register of Historic Places.

5. Powers and Duties of the Historical Zoning Commission

- a) The Historic Zoning Commission shall review applications regarding the creation of historic districts and landmarks. The review of such applications shall be in accordance with the criteria set forth in **5.070 Historic Zoning Overlay District**, of this chapter. The commission shall furnish to the Town Board, in writing, its recommendations regarding the creation of any recommendations of the commission prior to the establishment of such districts or landmarks.
- b) Prior to the establishment of a historic district or landmark, and subsequent to adoption of the district or landmark, the Historic Zoning Commission shall adopt for each such proposed district or landmark a set of review guidelines, which it will apply in ruling upon the granting or denial of a Certificate of Appropriateness as provided for in this chapter. Such review guidelines shall be consistent with the purposes of this chapter and with regulations and standards adopted by the Secretary of the Interior pursuant to the **National Historic Preservation Act, of 1966**, as amended, applicable to the construction, alteration, rehabilitation, relocation or demolition of any building, structure or other improvement situated within a historic district or landmark which has been certified by the Secretary of the Interior as a registered historic district or landmark. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such review guidelines.
- c) It shall be the duty of the Historic Zoning Commission to make the following determinations with respect to the historic districts or landmarks when applicable:

- i) Appropriateness of altering or demolishing any building or structure within the historic district or any landmark. 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 and drawings shall be at the expense of the commission.
- ii) Appropriateness of exterior architectural features, including signs and other exterior fixtures, of any new buildings and structures to be constructed within the historic district or of any landmark.
- iii) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district or of any landmark.
- iv) Appropriateness of front yards, side yards, rear yards, offstreet 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 or landmark.
- v) Appropriateness of the general exterior design, arrangement, texture, material, of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings and entire district. However, the Historic Zoning Commission shall not consider interior arrangement or design.
  - (a) historical or architectural value of the present structure;
  - (b) the relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district.
  - (c) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
  - (d) to any other factor, including aesthetic, which is reasonably related to the purpose of this chapter.
- e) 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.
- f) Any member of the Historic Zoning 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

voting in the decision or proceedings of the Historic Zoning Commission in connection therewith.

6. Construction, Alteration, Repair, Moving, or Demolition

- a) There shall be no construction, alteration, remodeling, or change of color that affects the external appearance of a historic site without the prior approval of the Historic Zoning Commission. Such approval shall be signified by a Certificate of Appropriateness which shall be issued by the commission in such form as the commission shall deem advisable.

i) Applications

Applications for Certificate of Appropriateness shall be made at the office of the Building Commissioner of the Town of Coopertown. The Building Commissioner shall notify the Historic Zoning Commission of such applications, which shall be in the form of preliminary scale drawings and specifications, and such other documents as are appropriate to acquaint the commission with the details of the proposed project. If the preliminary drawings and other data are sufficiently clear, the commission may grant final approval upon the basis of them. However, the commission shall have the power to require drawings signed by registered architects or engineers and such other documentation as required.

ii) Consideration of Applications

All applications for Certificates of Appropriateness received by the Building Commissioner ten (10) days prior to the next regularly scheduled meeting of the Historic Zoning Commission shall be considered by the commission at the next meeting date. Any application not granted final approval shall be considered at the next regular meeting before which the applicant submits whatever documentation required by the commission at its preliminary consideration of the project.

iii) Approval or Disapproval

Within thirty (30) days following the availability of sufficient data and documentation, the Historic Zoning Commission shall issue its Certificate of Appropriateness with or without attached conditions or refuse to grant a Certificate of Appropriateness. If the commission should refuse to grant a Certificate of Appropriateness, it shall state its grounds for refusal in writing and communicate such grounds to the applicant within 30 days.

- b) No historic site may be demolished or partially demolished without the prior approval of the Historic Zoning Commission. Any application to demolish or partially demolish a structure in the historic district shall be forwarded to the Historic Zoning Commission.

7) Moratorium on Alteration or Demolition

The commission shall have the power to require a one hundred-eighty (180) day moratorium on any request to demolish or alter any structures covered by this ordinance. If no action has been taken or no provisions made for acquiring or restoring the structure within this period of time, the proposed demolition or alteration shall be deemed to have been approved by the commission.

a) Demolition by Neglect

Structures located within a historic district which contributes architecturally or historically to the character and importance of the district and all landmarks shall be preserved against decay and deterioration and kept free from structural defects by the owner or such other person or persons who may have legal custody and control, thereof. The owner or other person having custody and control, in keeping with the Town's housing standards, shall repair any exterior or interior portions of such building, sites, structure, or object which is becoming deteriorated, decayed, or damaged and tending to cause the structure to fall into a state of disrepair.

b) The Historic Zoning Commission, on its own initiative, may file a petition with the Building Commissioner requesting that he proceed under the public safety and housing regulations to require correction of defects or repairs to a structure covered under **5.070 Historic Zoning Overlay District**, so that such structure shall be preserved and protected in accordance with the purposes of this ordinance.

c) If any structure covered by **5.070 Historic Zoning Overlay District**, shall have to be demolished as a public safety hazard and the owner of the structure shall receive two (2) or more notices from the Building Commissioner of building neglect in violation of this ordinance and other Town ordinances, no application for a permit for a project on the property may be considered for a period of two (2) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of a surface parking lot shall be granted by any Town office during this period.

8) Determination of Economic Hardship

Each application for removal or demolition shall be considered, taking into account economic hardship. The commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

a) Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a Certificate of Appropriateness.

- b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness on any structure of the property and their suitability for rehabilitation.
- c) Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alterations, demolition, or removal; after any changes recommended by the commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
- d) In the case of a proposed demolition, an estimate of value of the existing structure on the property must be obtained. The estimate of value shall be obtained from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation or reuse of property.
- e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
- f) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- g) Any other information considered necessary by the commission to determine as to whether the property does yield or may yield a reasonable return to the owners.

Request for reconsideration shall be taken up at a public hearing with reasonable notice and consideration given to any or all of the factors listed above.

9) Jurisdiction and Appeals

Appeals from any decision of the Historic Zoning Commission may be taken to a chancery court as provided by law in Section 13-7-409 of the Tennessee Code. Nothing in this chapter shall be interpreted as giving the commission any authority to consider, review, examine or control the use of property classified as a historic zoning district or landmark. Use shall be controlled solely by the zoning controlling such property prior to its classification as a historic district or landmark or as may be rezoned by subsequent amendments.

**ARTICLE VI**  
**OVERLAY DISTRICTS**

**SECTION**

- 6.010 Operation and Intent of Overlay Districts
- 6.020 Planned Unit Development Districts
- 6.030 Conservation Design Overlay Districts
- 6.040 Floodplain District Regulations

**6.010 OPERATION AND INTENT OF OVERLAY DISTRICTS**

A. Purpose and Intent

Overlay districts are hereby established as a means of addressing specific aspects of land use control or development that transcend conventional zoning district provisions.

B. Applicability

An overlay district shall represent a mapped geographic area depicted upon the Official Zoning Map. Overlay districts may be applied to the base zoning districts so indicated by this ordinance and may encompass one or more of those districts. Unless expressly stated to the contrary in this article, all lands encumbered by an overlay district shall conform to all applicable provisions for such overlay district.

**6.020 PLANNED UNIT DEVELOPMENT DISTRICTS**

A. General Provisions

(1) Intent and Purpose

The planned unit development district regulations are an alternative zoning process intended to manage the process of combining various uses within a well-planned and coordinated manner. This procedure is intended to provide for more efficient and functional utilization of land than would otherwise be the case under the conventional provisions of this ordinance. The planned unit development provisions facilitate a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries. In return, the PUD Districts require a high standard for the protection and preservation of environmentally sensitive lands, and the integration of living, working and shopping environments into cohesive mixed-use environments.

(2) Consistency with the General Plan and Area Development Plans

No planned unit development shall be approved unless all plans for development are found to be consistent with the then current issue of the General Plan and any

adopted special development plan for the area in which the development is proposed. The Planning Commission shall make a formal, written finding regarding the consistency of any proposed planned unit development, said report to include findings that the development:

- a) Will be consistent with the currently effective General Plan as well as any special development plan for the area.
- b) Is likely to be compatible with development permitted under the general development provisions of the zoning ordinance.
- c) Will not significantly interfere with the use and enjoyment of other land in the vicinity.

(3) Application of the District

(a) General

A planned unit development overlay district may be applied over any base zoning district established in this ordinance.

(b) Provisions May Be Made Mandatory

In the event that the adopted development plan for an area in which any development is proposed so recommends, the Board of Mayor and Aldermen shall require that all petitions for reclassifications of land within the area be formulated and administered in accordance with such provisions, including any amendments thereto. As appropriate for their respective areas, adopted development plans shall also contain recommendations which may differ from or supplement the provisions of this article respecting new or modified planned unit development districts; design standards for signage, setbacks, parking, and other matters, to be made applicable either area-wide or within particular planned unit development districts, or both. The Board of Mayor and Aldermen shall not entertain proposals for the reclassification of land within such areas until it has formally acted upon these recommendations.

(4) Relation of Planned Unit Development Regulations to General Zoning, Subdivision, or Other Regulations; Variations on Equal Satisfaction of Public Purposes

The planned unit development regulations that follow shall apply generally to the initiation and regulation of all planned unit development districts. Where there are conflicts between the special planned unit development regulations herein and general zoning, subdivision, or other regulations or requirements, these regulations shall apply in planned unit development districts.

Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable planned unit development or general regulations, but the Board of Mayor and Aldermen makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the Board may make specific



modification of the regulations in the particular case, provided that where floor area and similar ratios (other than off-street parking) have been established by these regulations, the Board shall not act in a particular case to modify such ratios.

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

(5) Jurisdiction of Planning Commission and Board of Zoning Appeals

Those activities which require conditional use permits under various provisions of this ordinance may be permitted within planned unit developments provided that such activities are approved initially as part of the Master Development Plan by the Planning Commission and the Board of Mayor and Aldermen. Following the initial buildout of the development the Board of Zoning Appeals may approve such uses.

(6) Ownership and Division of Land

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

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

- a) To proceed with the proposed development according to these regulations and the detailed development plan that is submitted with the map amendment creating the planned unit development including such modifications as are set by the Board of Mayor and Aldermen in the course of the review and approval process.
- b) To provide such bonds, dedications, guarantees, agreements, contracts, and deed restrictions as may be required by the Board of Mayor and Aldermen and various administrative bodies in the course of implementing the proposed plan.
- c) To bind further successors in title to any commitments under a), and b), above.

(7) Staging of Development

The Planning Commission may elect to permit the staging of development, in which case, the following provisions shall apply.

- a) Each stage shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed with subsequent stages will not have an adverse impact on the planned unit development, its surroundings or the community as a whole.
- b) Each stage of the development shall, at the time of approval of any final site development plan for any portion of that stage, be assured adequate public services to serve all development proposed for that stage.

(8) Status of Previously Approved Planned Unit Development Districts

Any Planned Unit Development District which was approved prior to **January 23, 2007**, and is not completely developed at the time of approval of this ordinance may continue under the development plan and regulations as originally approved. In any instance, however, where a change in the approved development plan is proposed following adoption of these provisions such change shall conform to the provisions of the ordinance then in effect.

B. Definitions

(1) Application

In the construction of this article, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

(2) Terms Defined

ACTUAL CONSTRUCTION - The excavation of a site and/or the placement of building materials in conjunction with the construction of a building or other structure.

COMMON OPEN SPACE (amended by Ordinance 2017-003, March 28, 2017)- Any portion of a condominium site or a subdivision that is held in joint ownership by property owners, a Homeowners’ Association (HOA) or similar organizational structure and is intended for the use or enjoyment of the site’s occupants. Common Open Space can include property that is left in a natural state and has primarily scenic value. Land to accommodate required subdivision infrastructure, including green infrastructure such as planting strips, street medians/islands, and storm water management facilities and devices, may be located within common open space. (See “lands held in common”.)

ENVIRONMENTAL OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for the protection of the natural landscape or certain specified resources.

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

LANDS HELD IN COMMON - Lands held in common are all lands held by a Homeowners' Association or equivalent and includes: lands designated as Common Open Space (see "Common Open Space"); land used for the provision of infrastructure common to all subdivisions such as roads, sidewalks, planting strips, storm water facilities, planted portion of hollow-core turnarounds, closes and eyebrows; and land used for drainage fields for individual sewage disposal systems.

PRIVATE USE OPEN SPACE - Open areas located upon a lot and held for the exclusive use and enjoyment of owner(s) of such property.

RECREATIONAL OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, active or passive recreational use or enjoyment of the occupants of said development.

RESTRICTED USE OPEN SPACE - Open areas located within a planned unit development that are held in some form of common ownership and restricted to use only as vegetative buffers, or other forms of environmental protection. These areas may include floodplains, steep slopes or other environmentally sensitive lands.

SHARED USE OPEN SPACE - Shared use open space may exist within a planned unit development both as limited use or general use shared open space. Limited use shared open spaces are those limited to use by only a portion of the individuals who reside within the planned unit development. Shared general use open space is intended to be available for use by any resident of the development but may be limited to use only by residents and their guests.

C. Administrative Procedure Governing Planned Unit Developments

(1) Purpose and Intent

The purpose of these provisions is to prescribe a procedure for the review, approval and continued administration of all planned unit developments provided for by this section.

(2) Preapplication Conference

Prior to filing an application for approval of a planned unit development the applicant shall confer with the Building Commissioner concerning policy, approval procedure and administrative processes relative to the application. The Building Commissioner shall arrange a meeting where the applicant or his representative will have the opportunity to discuss these regulations and the proposed plan with staff persons who will be involved in reviewing and recommending action on the proposed plan.

(3) Preliminary Approval of the Proposed Planned Unit Development

(a) Application for Preliminary Approval

Application for preliminary approval shall be made by the landholder of the affected property or his authorized agent to the Building Commissioner in accordance with such written rules regarding general procedure, form of

application, and required information as the Planning Commission may determine, provided such provision are not inconsistent with the requirements set forth below.

(b) Preliminary Master Development Plan of a Planned Unit Development

The preliminary master development plan for the proposed planned unit development shall be a general concept plan that shall be sufficient in detail to indicate the general design of the development, the uses and activities proposed and the ability of the proposal to comply with detailed requirements of this ordinance. \*

**\* It is recognized that these provisions may be applied to developments that vary greatly in size, scope and complexity and that adjustments in the degree of detail contained within a Preliminary Development Plan may subsequently be required based upon the scope and extent of a particular development. The following list shall be taken as general requirements for a complete application. However, the Building Commissioner may require more or less detail based upon the size, scope and degree of complexity involved within any particular proposal.**

In general, a preliminary master development plan shall contain the following:

- i) Sufficient information to disclose:
  - The location and size of the area involved.
  - Location of transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas.
  - Location and approximate dimensions of structures, other than one and two family detached dwellings, including approximate height, bulk and the utilization of structures including activities and the number of living units.
  - Estimated population and density and extent of activities to be allocated to parts of the project.
  - Reservations for public uses including schools, parks, and other open spaces.
  - Major landscaping features,
  - The general means of the disposition of sanitary wastes and storm water.
  - The type and proposed use for any common open space included within the proposed development. (Such information shall be sufficient to meet the requirements of Section 6.020, D, (1)

- The ownership of all property proposed for incorporation within the PUD District. (A copy of all deeds along with written documents signed by all property owners indicating willingness to abide by the approved development plan.)
- A listing of land uses proposed for the development.\*

**\* In an effort to increase the marketability of nonresidential sites located within PUD Districts, the applicant may submit a list of alternative land uses, other than the uses shown on the plan, for such sites. Any such listing may contain only land uses permitted within the base zoning district(s) which the planned development district overlays and may be further limited as provided in Section 6.020, H, (1).**

- The base zone district(s) proposed for inclusion within the planned unit development.
- ii) A tabulation of the land area to be devoted to various uses and activities and overall densities.
  - iii) The nature of the landholder's interest in the land proposed to be developed and a written statement of concurrence from all parties having a beneficial interest in the affected property. (See Section 6.060, A, (6)).
  - iv) 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, drainage ways and common open space.
  - v) When it is proposed that the final master development plan will be submitted in stages, a schedule of proposed submissions thereof.

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

(c) Review by Other Departments of Town Government

Other departments of the Town as appropriate, shall review the plan for the proposed planned unit development.

(d) Planning Commission Action on Preliminary Application for Planned Unit Development

Within forty-five (45) days after initial formal submission the Planning Commission shall take action on the preliminary application by any one of the following:

- i) Unconditional preliminary approval.
- ii) Conditional preliminary approval, in which the Planning Commission expressly denotes modifications which must be a part of the preliminary approval.
- iii) Disapproval.

(e) Conditional Preliminary Approval - Landholder's Response

When the Planning Commission's action is conditional preliminary approval, the commission shall specifically note in its' minutes the conditions or modifications which must be complied with in order that the proposed planned unit development receive preliminary approval. Within sixty (60) days following the meeting in which conditional approval is granted, the landholder may make a written response concurring with the required modifications, in which case the planned unit development is deemed to have preliminary Planning Commission approval, on the date of receipt of said written concurrence. When the landholder makes a negative reply or does not reply within sixty (60) days of the date of conditional preliminary approval the planned unit development shall be deemed as a recommendation for disapproval, unless such time limit is extended by a specific action of the Planning Commission upon a written request of the landholder. In the event of a recommendation for disapproval, the applicant may at his option proceed to the Board of Mayor and Aldermen with his request.

(f) Action by Board of Mayor and Aldermen

Upon completion of preliminary review of the development plan, the Planning Commission shall forward its report and recommendations to the Board of Mayor and Aldermen for action. Upon receipt of the Planning Commission's report the Board shall consider such report and recommendations, the preliminary development plan and such other information as it may require to arrive at a decision concerning approval of the plan. The Board of Mayor and Aldermen shall hold such required hearings and otherwise proceed in the manner set forth in Article VIII, Section 8.080, for consideration of an amendment to the zoning ordinance.

In any instance where the Board of Mayor and Aldermen may act either to approve a proposed development that the Planning Commission had recommended for disapproval or to conditionally approve a development plan, the Board shall provide specific guidance to the Planning Commission concerning the following:

- i) Overall design of the plan,
- ii) Any modifications required, and
- iii) Any additional information required by the Planning Commission to determine substantial compliance between the preliminary and final development plan.

(g) Planned Unit Development and the Official Zoning Map

Upon approval by the Board of Mayor and Aldermen, the Building Commissioner shall place the extent of the planned unit development on the official zoning map identified by the ordinance number providing approval. Similarly in the instance of action by the Board of Mayor and Aldermen abolishing or canceling a planned unit development district, the Building Commissioner shall remove the PUD district from the official zoning map.

(h) Recording of PUD District

Within sixty (60) days following enactment of an adopting ordinance by the Board of Mayor and Aldermen, the landholder shall record with the Register of Deeds a boundary plat or suitably comparable document identifying that the affected properties are subject to the provisions of a Planned Unit Development Overlay District. Suitable instruments indicating the nature and extent of all off-site improvements and special conditions to which the development is subject shall be recorded with such plat.

(i) Addition of Land Uses not Included Within an Approved Preliminary Master Development Plan or Listing of Alternative Uses Allowable Within the Base Zoning District

The proposed addition of any use not authorized within an approved preliminary development plan and accompanying listing of alternative nonresidential land uses may be added to the plan only when approved as provided, herein. The Planning Commission shall hear all such proposed amendments. In the course of its consideration of any alteration presented hereunder, the Planning Commission shall hold a public hearing. Said hearing is held for the purpose of making a recommendation to the Board of Mayor and Aldermen as to disposition of the requested change. The Planning Commission's action on the request for change shall be in the form of a submission of a resolution to the Board of Mayor and Aldermen for amendment to the approved preliminary plan. An action by the Board of Mayor and Aldermen approving the requested change shall be required to amend the approved development plan.

(4) Final Approval of a Proposed Planned Unit Development

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

(a) Application for Final Approval

Following approval of a preliminary planned unit development plan by the Board of Mayor and Aldermen, the landholder may make application to the Planning Commission for approval of final development plans for all or a portion, provided the portion is consistent with the staging schedule approved with the preliminary development plan, of the proposed planned unit development. No action shall be taken on any final development plan

for any portion of a planned unit development until the landholder demonstrates that all land included within the portion of the development for which final approval is requested is owned by the landholder and that any options have been closed.

The application for final plan approval shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission resolution of preliminary approval. Copies of legal documents required by the Commission for dedication or reservation of common open space and/or for the creation of a nonprofit association to own and manage the commonly held property shall also be submitted.

(b) 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 the staging plan approved as part of the preliminary development plan.

(c) Final Master Development Plan of a Planned Unit Development

The application for final approval shall be sufficiently detailed to indicate the ultimate operation and appearance of the development, or portion thereof, and shall include, but not be limited to, the following:

- i) Final development plan drawings at a scale no smaller than one (1) inch to one hundred (100) feet indicating:
  - The anticipated finished topography of the area involved (contours at vertical intervals no greater than two (2) feet where topography does not exceed ten (10) percent and five (5) feet) elsewhere.
  - A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned unit development and to and from existing thoroughfares. This shall specifically include: width of proposed streets; a plan of any sidewalks or proposed pedestrian ways; and any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern.
  - An off-street parking and loading plan indicating ground coverage of parking areas.
  - Areas proposed to be conveyed, dedicated or reserved for parks, parkways, and other public or semi-public open space uses including any improvements which are to be deeded as part of any common use area. (Such information shall include detailed site designs indicating all intended uses, equipment and facilities along with construction plans for any building.)



- Information regarding the physical characteristics of the surrounding area and developments within three hundred (300) feet of the proposed planned unit development.
- Within nonresidential developments, a plan for each building site showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures. Within residential developments building envelopes shall be shown.
- A plan for proposed utilities including sewers, both sanitary and storm, gas lines, water lines, fire hydrants and electric lines showing proposed connections to existing utility systems.\*

**\* Within any Planned Unit Development District, all utilities including electric service, telephone and cable television service shall be underground.**

- ii) A detailed land use map and a listing of land uses approved for the development.

**\* The listing of approved land uses shall include the list of alternative land uses, other than the uses shown on the plan, which were approved within the preliminary planned unit development plan for nonresidential sites located within the development.**

- iii) A tabulation of proposed densities to be allocated to various parts of the area to be developed.
- iv) Final drafts of all proposed covenants and grants of easement which are proposed for filing with final plats. Such documents shall be in a form approved by legal council.
- v) Final drafts of all proposed documents creating a Homeowner's Association or similar organization created for the purpose of owning and maintaining any common open space of facilities associated therewith.
- vi) A detailed listing of all conditions of approval to which the particular development, or individual sites located therein, are subject.

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

(d) Action on Final Master Development Plan

In reviewing a final plan, the function of the reviewing agencies is twofold. First, the plan must be found to be in substantial compliance with the previously approved preliminary development plan. Second, all new information must be reviewed to determine its compliance with all substantive requirements of this ordinance, the Subdivision Regulations and all other applicable codes and ordinances.

i) Review Procedure

- Application for final approval shall be made to the Planning Commission.
- The completed final plan must be submitted to the Building Commissioner ten (10) days prior to the meeting of the commission where the plan is to be presented. Ten (10) copies of the plan and related documents will be required.
- Within forty-five (45) days following formal presentation of the final plan to the Planning Commission it shall be the duty of the Building Commissioner to present data and findings of the various departments and agencies of the government concerning the proposed plan to the Planning Commission.
- The Planning Commission may approve the final plan if it finds:
  - a) That the final plan meets the provisions for substantial compliance set forth in Section 6.020, C, (5), and
  - b) That the plan complies with all other standards for review not considered when the preliminary plan was approved.

(e) Approval with Modification

Should the Planning Commission require any modification in the final development plan, or any portion thereof, such modifications shall be agreed to by the applicant in writing prior to formal acceptance and filing of the final development plan.

(f) Filing of an Approved Final Development Plan

Upon formal action by the Planning Commission approving a final development plan, or in the instance of conditional final approval, upon acceptance of the modifications, as set forth in Section 6.020, C, (4), (e), said plan and all maps, covenants, and other portions thereof, shall be filed with the following:

- i) The Building Commissioner
- ii) The Town Recorder

(g) Disapproval

If the Planning Commission finds that the final plan does not meet the test for substantial compliance set forth in Section 6.020, C, (5), or does not comply with other standards of review it shall disapprove the plan. In the event of disapproval, a written report shall be prepared by the Planning Commission and sent to the applicant. This report shall detail the grounds on which the plan was denied to specifically include ways in which the final plan violated the substantial compliance provisions or other standards of review.

(5) Determination of Substantial Compliance

The final development plan shall be deemed in substantial compliance with the preliminary development plan provided modifications by the applicant (not as a result of requirements of any reviewing agency) do not involve changes which in aggregate:

- Violate any provisions of this article;
- Vary the lot area requirement as submitted in the preliminary plan by more than ten (10) percent;
- Involve a reduction of more than five (5) percent of the area shown on the preliminary development plan as reserved for common open space.
- Increase the floor area proposed in the preliminary development plan for nonresidential use by more than two (2) percent;
- Increase the total ground area covered by buildings by more than two (2) percent; and
- Involve any land use not specified on the approved preliminary development plan or the alternative list of uses for nonresidential sites.

In any instance where a final development plan, including minor changes authorized under the provision of Section 6.020, C, (10) is found to not meet the test of substantial compliance as set forth herein such plan may be approved only upon adoption of appropriate alterations to bring the final development plan into compliance with the adopted preliminary plan.

(6) Failure to Begin Planned Unit Development

If no "actual construction" has begun in the planned unit development within three (3) years from the date of approval of the final development plan, or section thereof, said approval shall lapse and be of no further effect. No further developmental activity may take place until the existing development plan is reinstated to an active status or a new or revised development plan is approved.

(7) Maintaining a Current Development Plan

Building permits may be issued only within such portion(s) of a planned unit development for which a current final development plan is in effect. In any instance where the approval of such plans may have lapsed due to failure to begin actual construction. See Section 6.020, C, (6), the following actions may be taken.

a) Reinstatement of Previously Approved Development Plan

In the event that actual construction may not have begun and/or the approval of the final development plan shall have lapsed, such plan may be reinstated by action of the Planning Commission and development may proceed, provided that no change is proposed that would require amendment of the plan.

b) Amending a Lapsed Development Plan

In the event that actual construction may not have begun, approval of the development plan shall have lapsed and revisions and/or alterations are proposed that exceed the minor site modifications authorized by Section 6.020, C, (10) to an Adopted Final Planned Unit Development Plan, and, thus, would require amendment of the plan, such action may be accomplished only with the approval of a new preliminary development plan.

(8) Enforcement of the Development Schedule

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

a) Cease to approve any additional final plats;

b) Instruct the Building Commissioner to discontinue issuance of building permits.

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

(9) Building Permits and Use and Occupancy Permits

Building permits and use and occupancy permits shall be issued for uses, buildings and other structures in planned unit developments in accordance with this section; otherwise, permits and certificates shall be issued in accordance with the other provisions of this ordinance as applicable.

(a) Site Plans

Site plans shall be provided in accordance with the provisions of Section 8.030.

(b) Building Permits

Building permits may be issued for structures, buildings, activities, or uses only in strict compliance with the adopted final development plan of the planned unit development, including the conditions of approval. No building permit shall be issued for the area included in a preliminary planned unit development until the final development plan for the area wherein such use is located has been approved.

(c) Use and Occupancy Permits

A use and occupancy permit may be issued only when the Building Commissioner determines that the structure, building, activity, or use conforms with the adopted final development plan, including any conditions of its approval.

(10) Minor Site Modifications to an Adopted Final Planned Unit Development Plan

Minor modifications in the terms and conditions of the adopted final development plan may be made from time to time as provided in the following paragraphs. Any proposed modification not permitted under these provisions may be approved only as an amendment to the adopted final development plan.

(b) Minor Modifications During Construction

The Building Commissioner may approve minor modifications in the location, siting, and height of buildings and structures if required by engineering or other circumstances not foreseen at the time the final development plan was approved so long as no modification violates the basic policy and concept or bulk and open space regulations of the planned unit development plan. The total of such modifications approved by the Building Commissioner shall never in aggregate result in:

- Any increase in the number of residential units;
- An increase of more than three (3) percent in the floor area proposed for nonresidential use of a commercial or industrial nature;
- An increase of more than three (3) percent in the total ground area covered by buildings; or
- A reduction of more than two (2) percent in the area set aside for common open space.

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

(b) Subjects not Included for Modification

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

(c) Minimum Adjustments Only

Any modification must be held to the minimum necessary. Each of the following conditions must be found to apply to the particular circumstances prior to the granting of the adjustment.

- Practical Difficulties or Unnecessary Hardship: That strict application of the provisions of this ordinance would result in practically difficulties or unnecessary hardships.
- Extraordinary Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings or uses referred to in the application, which circumstances or conditions do not apply generally to other land, buildings or uses in the same district.
- Not Detrimental: That granting the application will not be detrimental, to the public welfare or injurious to property or improvements in the neighborhood of the premises.
- Health or Safety not Adversely Affected: That granting the application under the circumstances of the particular case will not adversely affect the health or safety of persons working or residing in the neighborhood containing the property of the applicant.
- Maintains Intent of Ordinance and the Development Plan: That such adjustment is within the intent and purpose of the zoning ordinance and will not adversely affect the objectives of the comprehensive plan.

(11) Amendments in an Approved Final Development Plan During the Period of Initial Construction

During the period of actual development or construction of any planned unit development, (or when developed in stages of any portion of the total development) the provisions of this section shall apply to all proposed modifications that exceed the minor adjustments permitted by Section 6.020, C, (10), Minor Site Modifications to an Adopted Final Planned Unit Development Plan. Once a planned unit development, or portion thereof, has been completed, further changes or alterations shall be governed by the provisions of Subsection 6.020, C, (12).

All proposed additions of uses not approved in the final master development plan as well as any decreases in the number of parking spaces or vision clearance area shall be subject to these provisions. In addition all minor modifications exceeding the cumulative changes in the ground coverage ratio, etc., permitted under Section 6.020, C, (10), (a), shall be governed by the provisions of this section.

(a) Addition of Uses not Authorized in the Approved Development Plan, but Allowable Within the Base Zoning District

The proposed addition of any use not authorized within an approved preliminary development plan (and listing of alternative nonresidential land uses) but allowable within the base zoning district wherein such use is proposed, may be added to the plan only when approved as provided, herein. The Planning Commission shall hear all such proposed amendments. In the course of its consideration of any alteration presented hereunder, the Planning Commission shall hold a public hearing. Said hearing is held for the purpose of making a recommendation to the Board of Mayor and Aldermen as to disposition of the requested change. The Commission's action on the request for change shall be in the form of a submission of a resolution to the Board of Mayor and Aldermen for amendment to the approved preliminary plan. A report detailing the action recommended by the Planning Commission shall accompany such submission. All additions of uses not approved in the preliminary development plan must be made by the Board of Mayor and Aldermen, under the procedures authorized by this ordinance for amendment of the zoning map.

(b) Addition of Residential Density, Floor Area of Nonresidential Uses and All Other Changes, Other Than Changes in Use, not Authorized in the Approved Development Plan, but Allowable Within the Base Zoning District

All proposed additions, other than the addition of uses governed by Section 6.020, C, (11), (a), including the addition of residential density or nonresidential use area exceeding the minor changes permitted under Section 6.020, C, (10) shall be considered as provided herein.

All amendments to an approved development plan proposed under this section shall first be presented to the Planning Commission for a recommendation. In the course of its consideration of any amendment proposed hereunder the Planning Commission may hold a public hearing for all residents and parties who in the judgment of the Planning Commission have an interest in the amendment.

The Planning Commission shall hear the proposed amendment and shall forward its recommendation to the Board of Mayor and Aldermen for action. The Board of Mayor and Aldermen shall hold a public hearing for all residents and other interested parties prior to any final action on any amendment proposed hereunder. Should the Board of Mayor and Aldermen concur in the proposed amendment to the development plan, the Planning Commission may adopt said amendment only with an amended preliminary plan as a basis for such action.

(12) Control of Planned Unit Development Following Completion

(a) Issuance of Certificate of Completion

Upon completion of a planned unit development, or when developed in stages, of any portion of said development, the Building Commissioner shall note the completion on the final development plan.

(b) Changes in the Use of Land or Bulk of Structures Within a Planned Development After Completion

After completion of a planned unit development, or portion thereof, has been certified, the use of land and the construction, modification, or alteration of any buildings or structures within the planned development will be governed by the approved final development plan, to the extent that such provisions are applicable rather than by any other provisions of this ordinance. In any instance where a change in the completed development is proposed the Planning Commission shall review the final development plan and shall provide an evaluation of the proposed change to the agency to whom application for the change has been made. Such evaluation shall as a minimum indicate the Commission's findings concerning consistency of the proposed change with the approved development plan and impact upon the continued successful operation of such development relative to its original purpose and intent. In the course of its consideration of any change proposed hereunder the Planning Commission shall hold a public hearing for all residents and parties who in the judgment of the Planning Commission have an interest in the proposed amendment. Changes may be made in the approved final development plan, only upon application to the appropriate agency under the procedure below:

- i) Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Planning Commission, if the extensions, alterations or modifications are determined to be consistent with the purposes and intent of the recorded final development plan. No change authorized by this section may increase the cube of any building or structure by more than ten (10) percent.
- ii) Any uses not authorized by the approved final development plan, but allowable as a permitted use, a use permitted with supplemental provisions or a conditional use in the base zoning district within which the applicable portion of the planned development is located, may be added to the recorded final development plan under the procedures provided by this ordinance for the approval of conditional uses. (See Section 6.020, A, (5))
- iii) A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan, unless an amendment to the final development plan is approved, as set forth below.



- iv) Changes in the use of common open space may be authorized by an amendment to the final development plan provided that no amendment approved hereunder may act to abrogate or annul any covenant that provides for the use, operation, or continuance of the common open space.
- v) All other changes in the final development plan must be made by the Board of Mayor and Aldermen, under the procedures authorized by this ordinance for amendment of the zoning map.
- vi) No changes in the final development plan approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within the area of the planned development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

(c) Resubdivision of a Planned Unit Development After Completion

A planned unit development may be subdivided and resubdivided for purpose of sale or lease after the certificate of completion has been issued under the procedures set forth below:

- i) If the subdivision or resubdivision of planned development will create a new plot line, the applicant shall make application to the Planning Commission for the approval of a subdivision or resubdivision. The Planning Commission may approve the subdivision or resubdivision of each section of the subdivided or resubdivided planned development if it meets the provisions of this article governing density, common open space, and dimensional requirements.
- ii) All sections of a subdivided or resubdivided planned development are to be controlled by the final development plan rather than by the provisions of the zoning ordinance that otherwise would be applicable.
- iii) The owners or lessees of a subdivided or resubdivided planned development may jointly make application for a conditional use or for an amendment to the adopted final development plan.

D. Common Open Space

Any common open space established by an adopted Final Master Development Plan for a planned unit development shall be subject to the following:

(1) Quality, Use and Improvement of Common Open Space

- a) Common open space must be for environmental protection, recreation, or site amenity. The uses authorized for common open space must be appropriate to the scale and character of the planned unit development considering its size, density, anticipated population composition, topography and other factors.

- b) No common open space may be put to any use not specified in the approved Master Development Plan, unless such plan has been amended by action of the Board of Mayor and Aldermen to specifically allow the change of use. No open space may be converted to any other use unless other like property is concurrently converted to open space such that the net amount of open space is not reduced. No matter how authorized, no change may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use so permitted are expressly reserved.
- c) Common open space may, subject to approval by the Planning Commission and Board of Mayor and Aldermen, consist of improved or unimproved land. All such land shall be designated as to its intended use upon the Master Development Plan, all site development plans and all plats.

(2) Conveyance of Common Open Space

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

- a) It may be conveyed to a public agency that will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- b) It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization meeting the requirements of Section 6.020, D, (3), below. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission. Such covenants shall restrict the common open space to the uses specified on the Master Development Plan and provide for maintenance of the common open space in a manner that assures its continuing use for its intended purposes.

(3) Requirement for Maintenance Organization

In any instance where common open space is to be conveyed to an organization other than a public agency, the Planning Commission and Board of Mayor and Aldermen shall require that the landholder provide for and establish an organization for the ownership and maintenance of any common open space. Such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise except to a successor organization conceived and established to own and maintain the common open space.

(4) Mandatory Provisions Governing Organization and Operation of Maintenance Association

In any instance where common open space is to be deeded to a maintenance organization, the landholder shall file a declaration of covenants, conditions and restrictions that will govern the association. This document is to be submitted with the application for approval of the final subdivision plat or, when the property in question is not being subdivided, the final site development plan. The provisions shall include but not be limited to, the following:

- a) The maintenance organization shall be established, funded and operational before any property is sold.
- b) Membership shall be mandatory for each owner and must run with the land so that any successive purchaser will automatically become a member.
- c) The restrictions covering the use, etc., of the open space shall be permanent, not just for a period of years.
- d) The association(s) shall be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- e) Property owners shall pay a pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the owner's property for failure to pay.
- f) The association shall be able to adjust the assessment of fees to meet changing needs.

(5) Failure of Maintenance Organization

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

(6) Assurance Involving the Provision of Common Open Space

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

- a) The Town may accept a Letter of Credit, corporate surety, or other acceptable financial guarantee in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in size and character.

- b) The title to the land shown as common open space may be put in escrow. The escrow agreement to provide that the land is to be held in escrow until the Planning Commission has certified to the escrow agent that the planned development has been completed, at which time the common open space is to be conveyed as provided in this section. The escrow agreement may provide for the release of common open space by the escrow agent in stages. In such instance the Planning Commission is to certify the completion of each stage of the planned unit development to the escrow agent and the escrow agreement must provide that the open space may be conveyed in stages. In this event, the open space conveyed is to be of the same proportions to the total open space provided on the final development plan as the dwelling units that have been built are to the total number of dwelling units allowable by the Master Development Plan.
  
- c) In general, the construction and provision of all common open spaces and public and recreational facilities shown on the Master Development Plan must proceed at no slower rate than the construction of dwelling units. From time to time the Planning Commission shall compare the actual development with the development schedule. If the Commission finds that the rate of construction of dwelling units or commercial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may either cease to approve additional final plats and/or instruct the Building Commissioner to discontinue issuance of building permits.

E. Minimum Performance Standards

In addition to satisfying all other applicable provisions of this ordinance, approval of a Master Development Plan shall be based upon a demonstration that the following design and development objectives have been satisfied.

(1) Protection of Environmentally Sensitive Areas

Approval of a Master Development Plan, for any PUD District, shall be based upon a demonstration that the proposed development plan will not result in any reduction of developmental density and will fully comply with the all provisions of Section 3.110, Environmental Performance Standards.

(2) Adequate Streets, Utilities and Drainage

Approval of a Master Development Plan, for any PUD District, shall be based upon a demonstration that streets, utilities and drainage features will be of adequate capacity to serve the proposed development. As a part of a Master Development Plan proposal, a property owner may offer to improve or otherwise provide adequate facilities to support the proposed intensity of development. Public facilities already included in an adopted Capital Improvements Budget may be considered a demonstration of adequate capacity if the proposed funding of such facilities is timed with anticipated construction of the development.

(3) Coordinated Vehicular Access

Approval of a Master Development Plan, for any PUD District, shall be based upon a demonstration that the traffic circulation system will be adequate to support the operational needs of the development in a manner that maintains the integrity and operational capacity of the community's major street network to standards equal to or greater than current levels of service (LOS).

(4) Preservation of Historic and/or Archaeological Sites

Actions shall be taken to incorporate features of historic, archaeological or cultural significance into the design of any PUD district in a manner that contributes to the protection and preservation of such features.

F. General Development Standards

The following provisions shall be applicable as indicated to all planned unit developments.

(1) Relationship to Other Requirements

Unless, otherwise, specified in this article, all requirements and standards established by other provisions of this ordinance shall apply to the development and use of properties located within any PUD District. In a case of conflict between the provisions of this article and any other provision of this ordinance, the provisions of this article shall apply within PUD Districts.

(2) Landscaping and Buffering

Within any planned unit development, landscaping and buffering shall be provided. This provision is intended to permit and encourage use of flexible techniques to achieve a transitional character through site design that minimizes the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use.

(3) Parking, Loading and Access

All planned unit developments shall be subject to the provisions of Article IV, Section 4.010 (Off-street Parking Requirements) and Section 4.020 (Off-street Loading and Unloading Requirements) provided that the Planning Commission may permit a variance from off-street parking and loading requirements in approving a final development plan.

(4) Neighborhood Relationship

A planned unit development shall be harmonious and not conflict with surrounding residential neighborhoods. Developments permitted under this procedure shall be planned, designed and constructed so as to avoid undue traffic congestion in the surrounding residential area and provide a satisfactory relationship of land use with the surrounding residential area. Use of landscaping, screening, open space and placement of buildings shall be utilized in a manner that will minimize impact upon abutting and near-by properties.

(5) Architectural Compatibility

Architectural features deemed essential to ensure compatibility with surrounding properties shall be incorporated. Architectural compatibility should be limited to those portions of the development which abut adjacent properties or can be seen directly from off-site street frontage. Examples of architectural features which may be important for ensuring compatibility include building bulk, height, roof slopes, building orientation, overhangs, location of porches and decks, window placement and exterior materials.

(6) Permitted Land Uses

Land uses permitted within any PUD District shall be established by the underlying zoning district(s). Any land use classified as a “Permitted Use” to the underlying district may be permitted within a corresponding PUD District. Any land use classified as a “Special Exception” within the underlying district may be permitted within a PUD District, if approved initially as a part of a Master Development Plan, or, upon completion of the development, by the Board of Zoning Appeals (See Section 6.020, A, (5)), based upon a favorable recommendation by the Planning Commission.

(7) Transfer of Development Rights

The PUD District may be used to transfer development rights between properties located within it. All donor and recipient properties shall be cross-referenced respectively on recorded plats and associated deeds along with the ordinance number creating the PUD District. Properties from which development rights have been transferred shall be noted on the boundary plats and deeds as nonbuildable sites.

As provided in Tennessee Code, 13-7-201, (2), (A), property designated to receive transferred development rights shall be of equal or greater size than the property donating the development rights. To qualify for a Transfer of Development Rights, the donor and recipient properties shall be of the same general zoning classification.

(8) Preservation of Natural Features

Mature trees, vegetative cover, watercourses, stone walls, existing relief and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:

- Enhancing the quality of new development;
- Protecting the natural environment;
- Providing buffering between new development and surrounding properties; and
- Protecting existing neighborhood character.

(9) Mixing of Uses Within Planned Unit Development Districts

A primary objective for creating Planned Unit Development districts is to encourage and facilitate the process of combining various uses within a well-planned and

coordinated manner. By carefully managing the type and nature of the various uses and activities included within such developments it is possible to facilitate greater mixing of land uses than is possible with the application of conventional zoning districts. The ultimate purpose of this process is integration of living, working and shopping environments into cohesive mixed-use neighborhoods that afford increased function, amenity and economic stability.

(10) Utility Requirements

(a) Water Service

Public water service sufficient to provide fire protection shall be available within all RPUD districts.

(b) Underground Utilities Required

All electrical, telephone and cable television service shall be underground.

(c) Sewer Service

Other than tracts of land containing, planned developments specifically limited to single family and/or duplex dwelling units, no tract of land shall be approved as a planned development unless such tract is directly served by the public sewerage system of the community. Under no circumstance shall a Final Development Plan of any planned development be approved when such development is not served by public sewer.

G. Residential Development Standards

Residential Planned Unit Developments (RPUD) shall be subject to the following provisions.

(1) Minimum Size of Residential Planned Unit Development Districts

No residential planned unit development may contain less than the minimum area as stipulated herein unless the Planning Commission and/or Board of Mayor and Aldermen find that a tract containing less than this minimum is suitable as a planned unit development by virtue of its historical character, unique scenic qualities, ecological or topographic features. Whenever a residential planned unit development is proposed to be located within two (2) or more zoning districts with different required minimum areas, the largest required minimum area shall control.

**MINIMUM GROSS AREA FOR CREATION OF  
RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT**

| <b>Base Zoning District</b> | <b>Minimum Gross Area</b> |
|-----------------------------|---------------------------|
| A                           | 100 acres                 |
| RA                          | 50 acres                  |
| RB                          | 35 acres                  |
| RC                          | 25 acres                  |

(2) Density Permitted

The density permitted within a planned unit development is to be derived from that permitted within the base zoning district(s) the residential PUD district is intended to overlay. The maximum number of dwelling units permitted shall be calculated as follows:

(a) Basic Density Calculations

The total residential density of a Master Development Plan shall be established by application of the methodology presented in Section 6.030, E, of this ordinance. The “Adjusted Tract Acreage” shall be calculated utilizing the method presented in Section 6.030, E. The maximum density shall then be calculated by multiplying the Adjusted Tract Acreage by the number of dwelling units per adjusted tract acre permitted within the zone district(s) requested in the development plan. Table 6.020A, provides information as to the number of dwelling units (by unit type) that are permitted within each base residential district.

**TABLE 6.020-A**

**RESIDENTIAL DENSITY PERMITTED**

| Base Zoning District  | Dwelling Units per Adjusted Tract Acre |      |     |
|---|--|------|-----|
|   | SFU                                    | DUP  | MFU |
| Agricultural  | 0.25                                   | 0.25 | N/A |
| RA, Rural Residential   | 1.09                                   | 1.09 | N/A |
| RB, Suburban Residential  | 1.45                                   | 1.45 | N/A |
| RC, Urban Fringe  | 2.18                                   | 2.18 | 8.0 |
| SFU = Single Family Unit<br>DUP = Duplex Unit<br>MFU = Multi-family Unit<br>Any fractions of .5 or greater shall be rounded to the next whole number. |  |      |     |

(b) Assignment of Density

Within an RPUD District, the total density permitted according to the calculation presented in Subpart 6.020, G, (2), (a), above, shall be assigned within the PUD as follows:

- i) The applicant may select a single base zoning district or a series of districts from Table 6.020A, above, to which density is to be assigned.
- ii) The maximum density permitted within any portion of the PUD shall not exceed that permitted for the district(s) assigned.
- iii) The district classification assigned to each phase shall be noted on the Master Development Plan and all associated subdivision plats.



(3) Minimum Lot Sizes

The minimum size of lots created for single and two-family dwellings may be less than the standard lot sizes required for the underlying base zoning districts, subject to the following restrictions:

- a) Lots fronting a street along the boundary of an RPUD District shall contain at least seventy-five (75) percent of the minimum lot area and ninety (90) percent of the lot width required by the adjoining zoning districts(s) along all points where such district(s) abut the PUD District.
- b) Where lots are located within Conservation overlay District the lot sizes shall be controlled by the provisions of Section 6.030, D, of this ordinance.

(4) Bulk and Yard Provisions Applicable to All Uses Other Than Residential

For all uses and activities other than residential activities located within any RPUD, the bulk and yard provisions established for the base zoning district wherein such use is to be located shall apply.

(5) Open Space Requirements

(a) General

The provisions of Sections 6.107 and 6.108 of the Subdivision Regulations shall govern the amount, type and use of open space within RPUD districts.

(b) Improved Recreational Open Space

The following land areas and facilities are recommended for inclusion within the required open space. Construction details of all improvements shall be shown on all final development plans and will be bonded prior to filing of final subdivision plats.

i) Mini-Parks and Tot Lots

Mini-parks and tot lots are specialized facilities that serve a concentrated or limited population or specific age group such as very young children or senior citizens within areas that are in immediate walking distance (i.e., 1/4 mile) of their residences. The minimum total area of a mini-parks is one-half (1/2) acre with a minimum dimension of one hundred (100) feet. The individual pieces of playground equipment shall be specified on the site plan. All recreational equipment provided shall meet or exceed generally accepted standards for such items.

ii) Neighborhood Parks

Neighborhood parks are intended as areas of intense active recreational activities for school age and older children and adults. The minimum area included within a neighborhood park shall be (5) acres, provided that such space is linked to all dwelling units within

the planned unit development by a continuous pedestrian circulation system of sidewalks or trails. The park shall serve the population within a one-half (1/2) mile radius. The recreation facilities will include areas for field games, crafts and playground apparatus along with areas for skating, picnicking and similar activities.

iii) Recreational Buildings

Recreational open space may be comprised of the area occupied by a multiple-use recreation building and its attendant outdoor recreation facilities, excluding a golf course.

iv) Pedestrian Open Space System

The total area contained in a continuous open space pedestrian system, consisting of permanently maintained walks and trails leading to a natural amenity, recreation facility or commercial use may be included as recreational open space. This system is intended to provide linkage of all elements of the improved recreational open space through a network that is divorced from roads and streets. The minimum width of all portions of this system is fifteen (15) feet with a paved surface of five (5) feet.

v) Specialized Facilities

A golf course may be used to satisfy a maximum of fifty (50) percent of the shared general use recreation space requirement, provided the access meets the standards for “shared general use recreational space”. Swimming pools, tennis courts and similar facilities principally intended to serve an adult population may be substituted for other recreational facilities within developments marketed to a totally adult population.

H. Nonresidential Development Standards

(1) Uses Permitted

(a) General

In general, the uses and activities permitted within the underlying base commercial zoning district may be permitted within Nonresidential Planned Unit Developments, (NRPUD), that overlay those districts. Provided, however, that such uses may be further restricted as provided in Section 6.020, H, (1), (b), below.

(b) Findings of Appropriateness

Due to the unique ability of the planned unit development process to tailor individual developments so as to achieve balanced and reasonable use of the land while maintaining an assured measure of protection for surrounding owners, it is necessary that limited discretion be afforded the Planning Commission and Board of Mayor and Aldermen in the process of selecting uses for location within particular developments. In this regard, it is necessary

that the uses permitted within a particular development establish and maintain a high degree of compatibility with the immediately surrounding area. To this end, the selection of uses permitted within each individual commercial planned unit development will be guided by:

- The use provisions established for the base district which the commercial planned unit development overlays.
- The appropriateness of each use given the intended function of each type commercial planned unit development.
- The unique nature of the property surrounding each development.
- Consistency with any adopted area development plan which may be applicable to the proposed site.

This process may result in limitations, restrictions or the prohibition of particular uses permitted within a base zoning district from a commercial planned unit development which overlays that district.

(2) Location and Required Area of Nonresidential Planned Unit Developments

(a) Review of Adopted Long-Range General Plan Required

In no event shall the location, composition, and extent of a proposed commercial planned unit development be approved unless such proposed development is consistent with the actions and policies regarding land development adopted by the Planning Commission.

(b) Market Analysis for Nonresidential Planned Unit Development

The Planning Commission may require a market analysis for any proposed nonresidential planned unit development. The market analysis will be utilized, among other things, to determine the impact of the proposed development on the long-range development of the commercial land use in the area, to determine the timing of any proposed development, to limit the extent of convenience districts, serving a particular residential area; to ascertain the effects of a proposed development upon lands used or zoned for commercial purposes; to form a basis for evaluating the estimated effects on traffic, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The market analysis, if required, shall be provided by the landholder and the landholder shall provide any other economic data or analysis as may be reasonably requested by the Planning Commission or Board of Mayor and Aldermen.

(3) Bulk, Height and Building Spacing Requirements

(a) Building Coverage Ratio

Individual buildings located within a nonresidential planned unit development district may exceed the maximum lot coverage ratio established for the base zoning district wherein the nonresidential planned unit development is located. However, in no instance shall the aggregate site

coverage of all buildings located within the Nonresidential Planned Unit Development District exceed the coverage provisions established for the base zoning district in which such site is located. Building coverage ratios shall be calculated on a pro-rata basis when more than one underlying base zoning district is included within a nonresidential planned unit development. If land uses are proposed to be redistributed across the boundaries of underlying zoning districts, maximum floor areas shall be assigned to each component of the Master Development Plan and recorded by plat or equivalent instrument with the first phase of the Final Master Development Plan.

(b) Maximum Building Height

The building height provisions established for the base zoning wherein the nonresidential planned unit development is located shall apply to all buildings.

(c) Building Spacing and Yards

(i) Provisions Applicable Along Residential District Boundaries

Along all portions of a district boundary where a nonresidential planned unit development adjoins residentially zoned land not included within the PUD District, all buildings, measured from the site boundary to the nearest building line, shall be set back a minimum of sixty (60) feet.

(ii) Provisions Applicable Along all Other District Boundaries

Unless, otherwise, specified in the approved Master Development Plan for the nonresidential planned unit development all development located along district boundaries shall provide minimum yards and building separations specified for the base zoning district. Within the nonresidential planned unit development district, such yards shall be landscaped and maintained in a manner appropriate to a residential neighborhood for a distance of fifteen (15) feet from the lot line adjacent to any street. No such required landscaped area shall be used for off-street parking, loading or storage of any kind. No landscaping adjacent to a street shall impair visibility of or from approaching traffic, or create potential hazards for pedestrians. Where the site plan indicates potential adverse effects of parking or other characteristics of a commercial activity, a wall, fence, or appropriate vegetative screening shall be required to be erected and maintained in such manner as to eliminate such effects or reduce them to an acceptable level. If there is to be parking on the premises after dark, such buffering shall at a minimum prevent lights from automobiles parked or maneuvering incidental to parking from shining across adjacent residential property below a height of five (5) feet.

(iii) Provisions Applicable to Internal Portions of a Commercial Planned Unit Development District

Except as provided in Section 6.020, H, (3), (c), (i) and (ii), of this section, the minimum yard requirements of the base district shall be waived within nonresidential planned unit development districts. Minimum building separation shall be as provided herein. Along all sides of buildings where vehicular access is from a public street, buildings shall be set back a minimum of sixty (60) feet. In cases where a building wall is not located directly adjacent to an interior side or rear lot line that is not adjacent to an alley, a yard with a minimum width or depth from the lot line of fifteen (15) feet or the distance required by applicable building and fire codes shall be provided. Permitted obstructions within such yards shall be limited to those permitted within the base district.

(d) Outdoor Storage or Activities

Unless, otherwise, specified in the approved Master Development Plan all outdoor storage facilities and outdoor sales activities are prohibited in any nonresidential planned unit development district. This provision shall not be construed to exclude seasonal displays, short-term charitable events, of no more than ninety, (90) days duration, the outdoor display of new or used automotive vehicles or trailers for sale or rent, or the incidental display of goods or chattels for sale or rent in a nonresidential planned unit development district by an establishment having activities that occur principally within a building.

(e) Lighting Provisions

No direct source of illumination located in a nonresidential planned unit development shall be visible beyond the boundary of such development. No illumination of any kind shall exceed one (1) foot-candle power at or beyond the boundary of such development and shall not flash or blink or appear to flash or blink, or shall be animated or appear to be animated.

(f) Landscaping Provisions

The provisions of Section 6.020, F, (2) shall apply fully within all nonresidential planned unit development districts. In particular, off-street parking areas, service areas for loading and unloading other than passenger vehicles and areas for storage and collection of refuse and garbage shall be screened.

**6.030 CONSERVATION DESIGN OVERLAY DISTRICT**

A. District Purpose (Amended by Ordinance 2007-23, October 23, 2007)

The purpose of the Conservation Design Overlay District is to promote conservation of open space and preservation of natural resources. These standards are intended to support implementation of Article 6, of the Coopertown Subdivision Regulations. The Town and its residents believe that preservation of as much of the community's rural nature as possible is critical to the long term development of Coopertown. Consequently the Town has

established an objective of fifty (50) percent open space in any subdivision developed under the Conservation Design Overlay District. However, the Town also recognizes that each subdivision represents unique design, topographical and economic issues which may make this goal unachievable. Therefore it is the intent of the Town to make a good faith effort to work with any developer to achieve the maximum open space feasible given the specific facts and circumstances of that particular development.

B. Applicability

This section shall apply to all “major subdivisions” (See Definition) of one and two-family houses located within the A, Agricultural, RA, Rural Residential, RB, Suburban Residential and RC, Urban Fringe Districts as delineated on the Coopertown Zoning Map. All other provisions of this Zoning Ordinance, which apply to the underlying zoning district shall remain in effect.

Conservation development, as set forth herein, shall be a permitted use, allowed as of right, according to the design standards contained herein and within the Subdivision Regulations. Conventional development, not consistent with the standards of the Conservation Design Overlay District, shall be classified as a special permit use. To obtain a special permit, the applicant must make a compelling case at a public hearing, detailing exactly how and why his proposed layout better fulfills the policies and goals of the Coopertown Town Development Plan, compared with a conservation design, particularly with respect to the protection of productive farmland, upland habitat (including meadows and woodlands), scenic viewsheds, rural character, etc. Such applications for conventional development as special permit uses shall not be approved unless the applicant is able to clearly demonstrate the advantages of a conventional layout alternative with respect to the goals and policies in the Town’s officially adopted Development Plan.

C. Uses Allowed

The uses allowed in a Conservation Design Overlay District shall be the same as those permitted in the underlying base district.

D. Dimensional Standards

The following dimensional standards in Table 6.030-A, shall apply to single- family dwellings located on all applicable properties in the Conservation Design Overlay District.

E. Density Determination

Applicants shall have the choice of two methods of determining the maximum permitted residential building density on their properties. They are as follows:

(1) Option One - Adjusted Tract Acreage Approach:

Determination of the maximum number of permitted dwelling units on any given property shall be based upon the Adjusted Tract Acreage of the site. The Adjusted Tract Acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land (described below) by the numerical “density factor” for that category of constrained land.

**TABLE 6.030-A**

**DIMENSIONAL STANDARDS FOR THE  
CONSERVATION DESIGN OVERLAY DISTRICT**

|   | <b>Base Zoning District</b> |            |            |            |
|---|-----------------------------|------------|------------|------------|
|   | <b>A</b>                    | <b>R-A</b> | <b>R-B</b> | <b>R-C</b> |
| Density Factor* (in ac. or sq.ft.)  | 4 acres                     | 40,000     | 30,000     | 20,000     |
| Min. Required Conservation Land**<br>(as a % of gross site area)                                    | 50                          | 50         | 50         | 50         |
| Average Max. Lot Area (in ac. or sq.ft.)  | 2 acres                     | 20,000     | 15,000     | 10,000     |
| Average Min. Lot Area (in ac. or sq.ft.)  | 1 acre                      | 10,000     | 7,500      | 6,000      |
| Min. Lot Width At Bldg. (ft.)   | 100                         | 80         | 60         | 50         |
| Min. Street Frontage (ft.)  | 40                          | 40         | 30         | 30         |
| * <b>Area Per dwelling unit based on density determination formula.</b>                             |                             |            |            |            |
| ** <b>Large “conservancy lots” of 10 acres or more may comprise up to 80% of conservation land.</b> |                             |            |            |            |

- a) The areas of constrained land indicated in the accompanying Table shall be deducted from the total (gross) tract area:
- b) If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only.
- c) Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from developable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract acreage.
- d) The net acreage resulting from the calculations above shall be divided by the minimum lot area requirement for the base zoning district to determine the number of lots allowed.

| <b>ITEM</b>                         |   | <b>REDUCTION<br/>FACTOR</b> |   | <b>AREA TO BE<br/>DEDUCTED</b> |
|-------------------------------------|---|-----------------------------|---|--------------------------------|
| Public Street Rights of way         | X | 1.00                        | = |                                |
| Private Streets (Actual roadway)    | X | 1.00                        | = |                                |
| Designated Wetland                  | X | 0.95                        | = |                                |
| Floodway                            | X | 1.00                        | = |                                |
| Floodplains (Excluding Floodway)    | X | 0.50                        | = |                                |
| Slopes 15% < 25%                    | X | 0.60                        | = |                                |
| Slopes 25% +                        | X | 0.80                        | = |                                |
| Rock Outcroppings (1,000 + sq. ft.) | X | 0.90                        | = |                                |
| Streams and Stream Buffers          | X | 1.00                        | = |                                |
| Total Area to be Deducted           |   |                             |   |                                |

(2) Option Two - Yield Plan Approach:

Determination of density, or maximum number of permitted dwelling units, shall be based on an actual Yield Plan. Yield Plans shall meet the following requirements:

- a) Yield Plans must be prepared as Conceptual Plans in accordance with the standards of the Subdivision Regulations containing proposed lots, streets, rights-of-way, and other pertinent features. Drawn to scale, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if not served by central sewage disposal, the suitability of soils for subsurface sewage disposal.
- b) The Yield Plan shall reflect the dimensional standards in the underlying zoning district. It must identify the site's primary and secondary resources, as identified in the Existing Resources/Site Analysis Plan, and demonstrate that the primary resources could be successfully absorbed in the development process without disturbance, by allocating this area to the proposed house lots.
- c) On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by individual septic systems on conventional lots. The applicant is required to provide evidence that all lots meet the standards for individual septic systems.
- d) Yield Plan Dimensional Standards: The dimensional standards to be used in the development of Yield Plans shall be the same as those pertaining in the underlying base zoning district. All lots shall be shown to meet the minimum lot area requirement established for the base zoning district where such lot is located. Each lot shall be exclusive of wetlands, floodplains, slopes greater than twenty-five (25) percent, utility or street easements, and land under high-tension electrical transmission lines (69kV or greater).

F. Design Standards

The design of subdivisions subject to this section shall be subject to the standards, procedures and data requirements set forth in Section 6-105, of the Subdivision Regulations.

G. Conservation Lands Protection and Maintenance

Permanent protection of conservation lands and management and maintenance of conservation lands and common facilities shall be subject to the relevant provisions of the Coopertown Subdivision Regulations.

H. Discretionary Density Bonuses

Additional density may be allowed when one of the following public benefits is proposed:



(1) Public Usage of Conservation Land

To encourage the dedication of land for public use (including active and passive recreation areas, spray irrigation areas, municipal buildings, etc.), a density bonus for greater public usage of Conservation Land in new subdivision may be granted on the basis of a maximum of one (1) dwelling unit per five (5) acres of conservation land or per twenty-five hundred (2500) feet of trail that becomes publicly accessible. The decision whether to accept an applicant's offer to dedicate conservation land to public usage within a proposed subdivision shall be at the discretion of the Planning Commission, which shall be guided by the relevant recommendations contained in the Comprehensive Plan or Open Space Plan.

(2) Additional Conservation Land

For each additional five (5) acres of conservation land provided above the required percentage, one additional building lot may be created.

(3) Provision of Affordable Housing

A density increase may be permitted where the subdivision proposal provides housing opportunities for low- or moderate-income families. The amount of density increase shall be based on the following standard: For each affordable housing unit provided under this section, one additional building lot or dwelling unit shall be permitted, up to a maximum fifteen (15) percent increase in dwelling units. Affordable housing is herein defined as units sold or rented to families earning eighty (80) to one hundred-twenty (120) percent of the county median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

(4) Implementation

The above density bonuses may be implemented by reducing the amount of required conservation land by up to ten (10) percent, reducing the minimum lot area requirements by up to ten (10) percent, or by a combination of these approaches, at the discretion of the Planning Commission. The cumulative reductions may total up to thirty (30) percent, if the Commission is satisfied that the public purposes are being served.

I. Definitions

Definitions shall be amended by addition of the following:

ADJUSTED TRACT ACREAGE: The net buildable land in a subdivision, after certain percentages of constrained lands have been deducted, for density calculation purposes.

CONSERVATION SUBDIVISION: A subdivision which is specifically designed to conserve significant features of the natural and cultural landscape, achieving this result through flexibility in lot dimensions.

CONSERVANCY LOT: A large, privately-owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to conservation land, while keeping the land under private ownership and

maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standards for conservation land. Public access to conservancy lots is not required.

CONSERVATION LAND: That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Conservation land may be accessible to the residents of the development and/or the town, or it may contain areas of conservancy lots not accessible to the public.

**6.040 FLOODPLAIN DISTRICT REGULATIONS (Amended by Ordinance 2020-011, December 15, 2020)**

The following regulations shall apply in the districts established in ART V, Section 5.010 of this Ordinance.

A. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.) The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Mayor and Aldermen of Coopertown, Tennessee, does ordain as follows:

2.) Findings of Fact

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

3.) Statement of Purpose

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

- a. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- b. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- d. Control filling, grading, dredging and other development which may increase flood damage or erosion;
- e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4.) Objectives

The objectives of this Ordinance are:

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

B. DEFINITIONS

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

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

- 1) Accessory structures shall only be used for parking of vehicles and storage.
- 2) Accessory structures shall be designed to have low flood damage potential.
- 3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- 4) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

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

**Act** means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

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

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

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

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

**Area of Special Flood Hazard** (see **Special Flood Hazard Area**.)

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

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

**Breakaway Wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting system.

**Building** (see **Structure**.)

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

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

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

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

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

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

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

**Existing Structures** (see **Existing Construction**.)

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

**Flood or Flooding** means:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1) The overflow of inland or tidal waters.
  - 2) The unusual and rapid accumulation or runoff of surface waters from any source.
  - 3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Floor** means the top surface of an enclosed area in a building (including basement), ie., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**100-year Flood** (see **Base Flood**.)

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

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



subsurface waters related to the base flood will not damage existing or proposed structures.

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

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

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

**Regulatory Flood Protection Elevation** means the Base Flood Elevation plus the Freeboard. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

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

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

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

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

**State Coordinating Agency** the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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

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

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

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

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

**Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

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

## C. **GENERAL PROVISIONS**

### 1) **Application**

This Ordinance shall apply to all areas within the incorporated area of the Town of Coopertown, Tennessee.

2) Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Town of Coopertown, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 26, 2021 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47147C0335C, 47147C0355C, 47147C0360C, dated April 16, 2008 and 47147C0365D, 47147C0370D, and 47147C0450D, dated February 26, 2021, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

3) Requirement for Development Permit

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

4) Compliance

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

5) Abrogation and Greater Restrictions

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

6) Interpretation

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

7) Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Coopertown, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

8) Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or

fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Coopertown, Tennessee from taking such other lawful actions to prevent or remedy any violation.

#### D. ADMINISTRATION

##### 1) Designation of Building Commissioner

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

##### 2) Permit Procedures

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

##### (a) Application stage

- (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- (ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- (iii) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in subsection E, 1) and 2).
- (iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (v) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Building Commissioner a certification of final as-built construction of the elevation of the reference level and all attendant utilities.
- (vi) In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Building Commissioner a detailed cost to repair all damages and/or

cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

- An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

(b) Construction Stage

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

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

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

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

(c) Finished Construction Stage

For all new construction and substantial improvements, the permit holder shall provide to the Building Commissioner a final Finished Construction Elevation Certificate (FEMA Form 086-0-33). A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Building Commissioner a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Building Commissioner will keep the certificate on file in perpetuity.

3) Duties and Responsibilities of the Building Commissioner

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

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

- (j) When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Coopertown, Tennessee FIRM meet the requirements of this Ordinance.
- (k) Maintain all records pertaining to the provisions of this Ordinance in the office of the Building Commissioner and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
- (l) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Building Commissioner a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Building Commissioner shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A of the Elevation Certificate. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3 × 3. Digital photographs are acceptable.

## E. PROVISIONS FOR FLOOD HAZARD REDUCTION

### 1) General Standards

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

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

- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of new construction as contained in this Ordinance;
- (j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
- (k) All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
- (l) All subdivision proposals and other proposed new development proposals shall meet the standards of Subsection E, 2);
- (m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- (n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

## 2) Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Subsection E, 1), are required:



(a) Residential Structures

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

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

(b) Non-Residential Structures

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

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

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Building Commissioner as set forth in Subsection D, 2).

(c) Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor

that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

d) Standards for Manufactured Homes and Recreational Vehicles

- (i) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- (ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - (a) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
  - (b) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Subsection B).
- (iii) Any manufactured home, which has incurred substantial damage as the result of a flood, must meet the standards of Subsection E, 1) & 2).

- (iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (v) All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - (a) Be on the site for fewer than one hundred eighty (180) consecutive days;
  - (b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
  - (c) The recreational vehicle must meet all the requirements for new construction.

e) Standards for Subdivisions and Other Proposed New Development Proposals

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

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

3) Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Subsection C, 2, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (a) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway.

Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

- (b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of Title 44 CFR § 65.12, and receives the approval of FEMA;
- (c) ONLY if Subsection E, 3), provisions (a) and (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Subsection E, 1) & 2).

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

Located within the Special Flood Hazard Areas established in Subsection C, 2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- (a) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- (b) A community may permit encroachments within within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of Title 44 CFR § 65.12, and receives the approval of FEMA;
- (c) ONLY if Subsection E, 3), provisions (a) and (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Subsection E, 1) & 2).

5) Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Subsection C, 2), where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- (a) The Building Commissioner shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Subsection E, 1) & 2).
- (b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
- (c) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Subsection B). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Subsection D, 2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Subsection E, 2).
- (d) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Coopertown, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Subsection E, 1) & 2). Within approximate A Zones, require that those subsections of Subsection E, 2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

6) Standards For Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Subsection C, 2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Subsection E, 1) & 2), all new construction and substantial improvements shall meet the following requirements:

- (a) The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least

three (3) feet above the highest adjacent grade, if no depth number is specified.

- (b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Subsection E, 6), (a) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Subsection D, 2), (a), (iii) and Subsection E, 2), (b).
- (c) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

7) Standards For Areas of Shallow Flooding (Zone AH)

Located within the Special Flood Hazard Areas established in Subsection C, 2) are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Subsection E, 1) & 2), all new construction and substantial improvements shall meet the following requirements:

- (a) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Subsection C, 2) are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Subsections D & E shall apply.

9) Standards for Unmapped Streams

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

- (a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

- (b) When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Subsection D & E.

F. VARIANCE PROCEDURES

1) Town Board of Zoning Appeals

(a) Authority

The Town of Coopertown, Tennessee Board of Zoning Appeals (known hereafter as the Board) shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

(b) Procedure

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

(c) Appeals: How Taken

An appeal to the Board may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Building Commissioner based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred dollars (\$100) for the cost of publishing a notice of such hearings shall be paid by the appellant. The Building Commissioner shall transmit to the Board all papers constituting the record upon which the appeal action was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers

The Board shall have the following powers:

(i) Administrative Review

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

(ii) Variance Procedures

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

- (a) The Board shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- (b) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- (c) In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - (i) The danger that materials may be swept onto other property to the injury of others;
  - (ii) The danger to life and property due to flooding or erosion;
  - (iii) The susceptibility of the proposed facility and its contents to flood damage;
  - (iv) The importance of the services provided by the proposed facility to the community;
  - (v) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
  - (vi) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (vii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (viii) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (ix) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - (x) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- (d) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board may attach such conditions to the



granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.

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

2) Conditions for Variances

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

G. LEGAL STATUS PROVISIONS

1) 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 the Town of Coopertown, Tennessee, the most restrictive shall in all cases apply.

2) Severability

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 VII

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

- 7.010 Scope
- 7.020 Nonconforming Uses
- 7.030 Bulk and Lot Size Noncompliance
- 7.040 Exceptions to Height Limitations
- 7.050 Lots of Record
- 7.060 Exceptions to Front Setback Requirements
- 7.070 Absolute Minimum Lot Size

#### **7.010 SCOPE**

Article VII, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the supplementary and specific zoning district provisions provided in Article V.

#### **7.020 NONCONFORMING USES**

The districts established in this ordinance as set forth in Article V are designed to guide the future use of land in Coopertown, 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 non-complying 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.

#### **7.021 Provisions Governing Nonconforming Uses**

##### **1. 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 of nonconforming uses.

2. 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) month 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.

3. 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.

4. Zone Lot Containing Nonconforming Use

A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section 3, above.

5. Continuation of Nonconforming Use

Any nonconforming use which existed lawfully at the time of enactment of this ordinance and which remains nonconforming under the provisions contained herein or any 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 is undertaken.

6. Change of Nonconforming Use

(a) 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.

(b) 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.

(c) Nonconforming to Conforming Use

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(7) Expansion of Nonconforming Uses

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) Expansion upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of Section 6.040.

8. Damage or Destruction

(a) 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.

(b) 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 7, above) to other than a permitted use.

(c) Land with Incidental Improvements

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 structure 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.

(d) 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 require by this ordinance.

(e) Reconstruction of Flood Damaged Property

The provisions of Section 6.040, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within a floodway district.

9. Discontinuance (amended by Ordinance 2012-013, December 18, 2012)

Pursuant to 13-7-208 of the *Tennessee Code*, when a nonconforming commercial, industrial, or other business 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 thirty (30) months, 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.

**7.030 BULK AND LOT SIZE NONCOMPLIANCE**

A. 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.

B. Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this article.

C. Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 7.030, D, through 7.030, F.

D. 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.

E. Buildings Noncomplying as to Lot Area

If a building does not comply with the applicable district regulations on 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 thirty-five hundred (3,500) square feet, which before conversion required a lot area of five thousand (5,000) square feet and was, therefore, deficient by fifteen hundred (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 five thousand (5,000) square feet).

F. 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.

**7.040 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, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, silos and aerials.

**7.050 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 as in the opinion of the Board of Zoning Appeals as possible.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this 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 (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the - same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

**7.060 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.

**7.070 ABSOLUTE MINIMUM LOT SIZE**

In no case shall the Coopertown Building Commissioner or the Coopertown Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than seventy-five (75) feet and/or whose total lot area is less than seventy five hundred (7,500) square feet.

## ARTICLE VIII

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

- 8.010 Administration of the Ordinance
- 8.020 The Enforcement Officer
- 8.030 Zoning Compliance Permit (Building Permits)
- 8.040 Temporary Use Permits
- 8.050 Town Board of Zoning Appeals
- 8.060 Variances
- 8.070 Procedure for Authorizing Special Exceptions
- 8.080 Amendments to the Ordinance
- 8.090 Penalties
- 8.100 Miscellaneous

#### **8.010 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 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.

#### **8.020 THE ENFORCEMENT OFFICER**

The provision of this ordinance shall be administered and enforced by the Coopertown Building Commissioner. The building commissioner shall administer and enforce this ordinance; in addition, 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. Receive, file and forward to the planning commission all matters on which the planning commission is required to act under this ordinance.
- G. 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 Commissioner 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.



### 8.030 ZONING COMPLIANCE PERMIT (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, including expansion, including accessory structures, to use a building or structure, or to commence the filling of land without a permit therefore, issued by the Building Commissioner.

No Building Permit shall be issued by the Building Commissioner, 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 for a Building Permit

Application for a Building Permit shall be made in writing to the Building Commissioner on forms provided for that purpose. Applications for Building Permits will be accepted only from persons having legal authority to take action in accordance with the permit. In general, this means that the application should be made by the owners or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons. The Building Commissioner may require an applicant to submit evidence of his authority to submit the application for a building permit whenever there appears to be a reasonable basis for questioning this authority.

All applications shall be complete before the Building Commissioner is required to consider the application. It is not necessary that the application contain construction drawings to determine compliance with all the requirements of this ordinance, so long as the plans provide sufficient information to allow the Building Commissioner to evaluate the application in light of the substructure requirements set forth in this ordinance.

#### B. Site Plan Requirements

Site plans containing the information required for the particular use by this section must be submitted to the Building Commissioner at the time of an application for a building permit. It is specifically anticipated that the approval process for one and two-family detached houses and individual mobile homes shall be administratively approved by the Building Commissioner. All other uses shall only be approved in the manner set forth in Section 8.030, D, below.

#### C. Site Plans Required for One- and Two-Family Detached Houses and Individual Mobile Homes (Amended by Ordinance 2015-006, November 24, 2015)

- (1) The actual shape, location, and dimensions of the lot to be built upon.
- (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
- (3) The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.

- (4) The size and location of all yards and open areas required by this ordinance.
- (5) The dimension and location of all public water and sewer lines from which the property is to be served.
- (6) The location and approximate dimension of all points of access to a public street or road.
- (7) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
- (8) Where subsoil sewage disposal is anticipated, certification from the local health department approving the lot for such use.
- (9) If two or more building lots are part of a recorded subdivision and applications are made for building permits simultaneously, the applicant must provide a professionally-drawn site plan, stamped and designed by a professional licensed in the state of Tennessee and competent in such design.

D. Site Plans Required for All Other Buildings and Activities (Amended by Ordinance 2017-003, March 28, 2017)

This procedure is to be utilized for all buildings and activities except those subject to the provisions of Section 8.030, C. Unless otherwise specified, the reviewing agency shall be the Coopertown Planning Commission. Proposals for planned developments and mobile home parks shall follow separate provisions outlined elsewhere in this ordinance, but such proposals shall also be reviewed by the Planning Commission. The Final Site Plan shall be prepared by registered professionals to include surveyor, landscape architect, architect, land planner, or engineer. If the Final Site Plan requires engineering or engineering data then the Final Site Plan and documents must be sealed by a TN licensed engineer. The scale shall be no smaller than two hundred (200) feet to an inch. The Final Site Plan shall be neatly and legibly presented. The sheets shall be numbered in sequence if more than one sheet is used. At least seven (7) copies shall be provided to the Coopertown Building Commissioner at least fifteen days prior to review date by the Coopertown Planning Commission.

The following information shall be included in the Final Site Plan:

- (1) General Location Sketch Map at a Scale not Smaller Than 1"=2,000', Showing:
  - (a) The approximate boundaries of the site
  - (b) External (public access streets or roads in relation to the site)
  - (c) Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site
  - (d) Any public water and sewer systems in relation to site

- (2) Final Site Plan Drawn at a Scale no Smaller Than 1"=200' Showing:
- a) The name of the proposed project and/or site
  - b) The name, address and contact information of the owner(s) of land and the developer if other than the owner
  - c) The name, address and contact information of the consultants that were involved in preparing the plan
  - d) Surrounding zoning classification (i.e., residential, commercial, industrial, etc.) within the general vicinity of the site
  - e) List Deed Book-Page Number for property deed
  - f) List the Tax Map(s) & Parcel Number(s), the names of all adjoining property owners of record, or the names of adjoining developments
  - g) The date and revision date of the Plan, approximate true north point, scale
  - h) The distance to one of the corners of the boundary and the access to the site to the nearest intersection of existing public road
  - i) The actual shape, location and dimensions of the tract(s) of land
  - j) The shape, size and location of all existing and proposed structures with square footage of floor area and building heights enumerated
  - k) The existing and intended use of the tract(s) and of such structures upon it, including residential activities, and the number of dwelling units that the buildings are intended to accommodate
  - l) Topographic features, both existing and proposed, with contours at a vertical interval of two (2) feet (contours to be field surveyed or taken from aerial photographs not older than 2-years). For aerial photographic contours the control points and coordinates shall be shown. Provide date when control points were set and aerial photo date. Also list the name, address, phone number and contact information for the surveyor and aerial photogrammetry firm
  - m) Include methods and details for erosion prevention and sediment controls (EPSC). When required by TDEC, a copy of the TDEC construction permit and related documents must be provided. The TDEC Permit Tracking Number is to be added to the Site Plan

- n) Location, dimension and type of surface of all driveways and entrances (including points of access to roads), proposed internal streets, parking spaces, and other amenities as applicable
- o) Position of fences, walls, signs, and screened plantings with dimensions and materials specified
- p) Location of proposed drainage ways and the plan for stormwater management. Proposed means of surface drainage, including all drainage ways, stormwater detention facilities and appurtenances. Stormwater design requirements for Site Plans are to be prepared in accordance with the requirements listed within this Zoning Ordinance
- q) The location and dimensions of building setback lines
- r) The location and dimensions of buffer areas
- s) Location and width of all easements and rights-of-way both public and private
- t) Location of water bodies, streams, swamps, water wells, railroads, buildings, parks, cemeteries, drainage ditches, sink holes, culverts, bridges, pavement and other pertinent features, as determined by the Coopertown Municipal Planning Commission
- u) Location of landfills and/or dumps, or any other active/inactive waste disposal sites
- v) The location of areas subject to flooding and the requirements of this Zoning Ordinance as applicable
- w) A flood study if determined necessary by the Coopertown Municipal Planning Commission
- x) Location and size of waterlines to serve the site
- y) Provide updated water availability letter from the water utility provider. Provide the name, address, phone, fax, contact person of the utility provider on the drawing. Failure to provide this item with the submittal application will deem the application incomplete
- z) A notation stating that any septic system, individual on-site subsurface disposal fields and appurtenances will be located on the lot or tract served and WILL NOT be located in an easement on another lot or tract
- aa) Provide a sewer availability letter. For on-site sewage disposal systems provide documentation from TDEC regarding soils availability and

approval of the system . The letter from TDEC must correspond to the site layout. Failure to provide this item with the submittal application will deem the application incomplete. TDEC's letter is to state the capacity that the system is capable of treating

- bb) If a proposed project includes an existing lot or existing home as part of property with the intent of utilizing that existing subsurface disposal system, the existing on-site sewage disposal system shall be re-evaluated to meet the current standards of the Coopertown Subdivision Regulations or Zoning Ordinance and TDEC. A written certification from TDEC shall be required and state that the existing system meets current standards or an action plan to provide an acceptable system on the existing lot. TDEC's letter is to state the capacity that the system is capable of treating
- cc) Provide a stream determination letter from TDEC or a consulting biologist. Provide the name, address, phone number and fax number of the TDEC contact or consultant on the drawing. Failure to provide this item with the submittal application will deem the application incomplete
- dd) Provide the name, address, phone, fax, contact person of all overhead utility provider(s) and underground utility providers adjacent to the property and located within the property on the drawing
- ee) Provide a Site Location Map drawn to a scale no smaller than 1-inch = 2,000-ft. The preference is to use the County tax maps or TDOT county road map. Locate the perimeter of the property on the vicinity map. Show the relation of the site to all public ways, railroads, and water courses in all directions to a distance of at least one-half mile
- ff) The boundary survey of the site's property shall be shown to the nearest hundredth of a foot
- gg) External roads (access streets or roads in relation to the site)
- hh) Be presented in a neat and legible format
- ii) Be provided with a USGS topographic map, or copy, with the perimeter of the property identified
- jj) Be provided with a copy of the latest county tax map with the property identified. Include a separate tax map with aerial view when available
- kk) Documents must be provided in paper format and in PDF format
- ll) A form for endorsement of Coopertown Municipal Planning Commission approval of the Final Site Plan which shall read as follows:

"Approved by the Coopertown Municipal Planning Commission, with exceptions or conditions as are indicated in the Minutes of the Coopertown Municipal Planning Commission on \_\_\_\_\_ (date.) Approval shall not constitute final approval for a Building Permit"

(3) The Planning Commission as the Reviewing Body May:

- (a) Approve the plan as submitted to the Building Commissioner.
- (b) Disapprove the plan.
- (c) Approve the plan with conditions for alterations.

(4) Exceptions to Site Plans Requiring Planning Commission Approval (added by Ordinance 2020-010, November 17, 2020)

Site Plans may be reviewed and approved by the Building Commissioner, but not requiring approval by the Planning Commission, include the following:

- (a) any single-family detached dwelling, duplex dwelling, or individual mobile homes, or incidental accessory structure meeting all requirements under Section 8.030 (C);
- (b) Any other building and activity normally requiring site plan review under Section 8.030 (D) (1) and (2), and including any incidental accessory structure to such building or activity, that meets the following:
  - (i) the total addition and/or alteration does not exceed 25% of the principal building's existing gross total square footage, up to a maximum of 1,500 sq. ft.;
  - (ii) all required bulk zoning standards can be met without variance(s);
  - (iii) ingress/egress to the site, as well as parking, will not be altered; and
  - (iv) site is not located within an identified flood hazard area, or some other topographic condition which in the opinion of the Building Commissioner merits concern with the site's overall development.

E. Fee

The Mayor and Board of Aldermen shall establish a schedule of fees and a collection procedure for Building Permits. Until the appropriate fee has been paid in full, no action shall be taken on any application.

F. 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 Commissioner shall issue a Building Permit for such excavation or construction. If an application for a Building permit is not approved, the Building Commissioner shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this ordinance.

G. Construction Progress

Any Building Permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

H. Expiration/Vesting of Site Plans (added by Ordinance 2017-003, March 28, 2017)

The vesting period for approved development plans shall be as outlined in TCA 13-4-310 and as amended.

**8.040 TEMPORARY USE PERMITS**

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Town Building Commissioner, 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 Commissioner on the form provided for that purpose.

**8.050 TOWN BOARD OF ZONING APPEALS**

A Coopertown Board of Zoning Appeals (hereafter referred to as the Board) is hereby established in accordance with 13-7-205 through 13-7-209, of the Tennessee Code, the Coopertown Board of Zoning Appeals shall consist of five (5) members. The Board of Mayor and Aldermen shall appoint members and may fix their compensation and their terms, which shall be so arranged that the term of one (1) member will expire each year. The Board of Mayor and Aldermen may remove any member upon cause. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment.

A. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the citing chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon. The records and minutes shall be filed in the office of the Building Commissioner and shall be a public record.

B. Appeals to the Board

An appeal to the Coopertown 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 Commissioner 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 Commissioner shall transmit to the Board all papers constituting the record upon which the action appeals was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. 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 Commissioner or other administrative official in the carrying out of 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.

D. Rules and Regulations of the Board

The Board shall adopt rules for the conduct of its meetings. Such rules shall at the minimum require that:

- (1) The presence of three (3) members of the Board shall constitute a quorum and the concurring vote of at least three (3) members of the Board shall be necessary to deny or grant any application before the Board.
- (2) No action shall be taken by the Board on any case until after a public hearing and notice thereof. Said notice of public hearing shall be a legal notice published in a newspaper of general circulation in Coopertown, at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the Board that could not have been reasonably presented in a public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures herein.
- (3) The Board may call upon any other office or agency of the Town government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
- (4) The Coopertown Municipal Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
- (5) Any officer, agency, or department of the Town or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by State law.
- (6) Any decision made by the Board on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.
- (7) Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.



- (8) At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.
- (9) Every application for a hearing before the Board of Zoning appeals shall pay a fee as established by the Mayor and Board of Alderman to assist in covering the cost of review, processing, advertising and administration of each case, except that the fee shall be waived for a governmental agency, The applicant shall also be responsible for obtaining a notification sign from the Planning Office and placing it on the property fifteen (15) days prior to the hearing by the Board of Appeals. This sign shall be furnished to the applicant at a cost to be established by the Mayor and Aldermen.

E. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Commissioner certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Commissioner, and on due cause shown.

F. Liability of Board Members. Building Commissioner and Employees

Any board member, Building Commissioner, or other employee charged with the enforcement of this ordinance, acting for Coopertown within the scope of the responsibilities assigned him under this ordinance shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the Town of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, Building Commissioner, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the Town until the final termination of such proceedings.

G. Right of Entry upon Land

Upon notice to property owners, the Board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

H. Rehearings

- (1) No rehearing of the decision by the Board shall be had except:
  - (a) On motion to reconsider the vote; or
  - (b) On a written request for a hearing.

- (2) If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may, by ordinance in each case, stipulate.
- (3) No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for a rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.

4. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

## **8.060 VARIANCES**

The purpose of this procedure 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 unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle, which is preventing an owner from using his property under this ordinance.

### A. Application

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

### B. Hearing

Upon receipt of an application the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardship. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below. Each application for a variance by the Board of Zoning Appeals shall pay a fee as established by the Mayor and Board of Alderman to assist in covering the cost of review, processing, advertising and administration of each case, except that the fee shall be waived for a governmental agency.

### C. Standards for Variances

The Board shall not grant a variance except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that the following criteria are met:

- (1) The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the

owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.

- (2) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
- (3) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.
- (4) Financial returns only shall not be considered as a basis for granting a variance.
- (5) The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
- (6) The variance will not authorize activities, otherwise, excluded from the particular district in which requested.
- (7) That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.
- (8) That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
- (9) That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

D. Restrictions and Variance

- (1) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (2) Under no circumstances shall the Board of Appeals grant a variance to allow a "USE" not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
- (3) The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in 8.060, C, above, to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variance.

**8.070 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS (Amended by Ordinance 2015-006, November 24, 2015)**

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 by this ordinance or whether a review is requested by the Building Commissioner to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed by the owner, as defined in Article II of this Ordinance, with the Board of Zoning Appeals (Board) for review. Said application shall show the location and intended uses of the site, the names of the property owners and existing land uses within two hundred (200) feet, site plan designed in accordance with Article VIII, Section 8.030 (D) of this Ordinance, and any other material pertinent to the request which the Board may require.

B. 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. A variance from any required conditions may be granted by the Board as a separate act, upon the finding that an unnecessary hardship, other than financial, would result if the condition(s) were strictly applied.

C. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

D. Time Limit

Upon receipt of an application the Board shall hold a hearing to decide whether a special exception to the provisions of the ordinance is, in fact, necessary to relieve unnecessary hardship. The Board shall consider and decide all applications for special exceptions within thirty (30) days of such hearing and in accordance with the standards provided below (All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

E. General Requirements

A special exception shall be granted provided the Board finds that the activity

- (1) Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- (2) Will not adversely affect other property in the area in which it is located.
- (3) Is within the provision of "Special Exceptions" as set forth in this ordinance.
- (4) Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience at that location.

F. Special Exceptions Appeals

Any person or agency of the town government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing under this article shall be final, and subject to review only for illegality or want of jurisdiction.

G. Specific Standards for Residential Activities

A special exception shall not be granted for the residential activities specified below unless the standards established there are met as a part of the conditions for issuing such permit in the applicable zone districts.

Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities

In addition to the standards contained elsewhere in this ordinance for these type developments, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed.

In making this finding, the Board shall consider the effect upon traffic congestion, overcrowding of schools availability of necessary public utilities, and character of adjoining structures, and suitability of the site for the use and such other factors as the Board may deem necessary.

H. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

(1) Special Conditions for Administrative Services

- (a) There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- (b) All lot, yard, and bulk regulations of the zone district shall apply.
- (c) Appropriate off-street parking requirements shall apply.
- (d) Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
- (e) The site and architectural plans shall be approved by the planning commission.

(2) Day Care Centers

For purposes of this ordinance day care facilities are classified into two types as defined below:

Day Care Home - includes day care in an occupied residence of not more than seven (7) children including children living in the home.

Day Care Center - includes day care for more than seven (a) preteen age children in any kind of building.

(a) Day Care Home

The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.

All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. The fire department shall approve the facility for safety.

All requirements of the State of Tennessee that pertain to the use shall be met. An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

(b) Day Care Center

No such facility shall be permitted on a lot unless such lot contains at least one (1) acre.

(3) Special Conditions for All Other Personal and Group Care Activities

(a) No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.

(b) All bulk regulations of the district shall be met.

(c) The requirements of the accessory off-street parking regulations of this ordinance shall apply.

(d) All regulations of the State of Tennessee shall be met.

(e) All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

(4) Special Conditions for Community Assembly

(a) No such facilities shall be permitted on a lot unless it contains one (1) acre, provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.

(b) All bulk regulations of the zone district shall apply.

(c) Off-Street Parking

- (i) For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
- (ii) For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
- (d) Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- (e) The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- (f) All public utilities and sewage disposal shall be available and connected to the site.

Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

(5) 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 district.
- (b) All bulk regulations of the district shall apply.
- (c) The off-street parking requirements of this ordinance shall apply.
- (d) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within 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 properties within the surrounding area.

(6) Special Conditions for Community Education

- (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.
- (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 shall apply.

(7) Special Conditions for Health Care

(a) Minimum Lot Area

(i) No health clinic shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.

(ii) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres.

(b) The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).

(c) All other regulations of the district shall apply.

(d) There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential 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 effect on the properties in the surrounding area.

(f) All public utilities and sewage disposal shall be available and connected to the site.

(g) The site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

(h) The following activity classes and types may be permitted accessory to the Health Care Activities provided they appropriately complement the Health Care Activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district;

(i) Community Facility Activities

(ii) Commercial Activities

Convenience Sales and Services  
Automotive Parking  
Food Service  
Medical Service

(8) Special Conditions for Intermediate and Extensive Impact

(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 arterials or collectors 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 in order to be located on the proposed site.
- (d) The off-street parking requirements shall be determined by the Board taking into account characteristics of the use.
- (e) 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 facility.

(9) Special Conditions for Religious Facilities

- (a) No such facilities shall be permitted on a zone lot unless it contains one (1) acre.
- (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) All bulk regulations of the district shall be met.
- (d) The off-street parking requirements of this ordinance shall apply.

I. Specific Standards for Activities (amended by Ordinance 2010-001, February 23, 2010)

A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

(1) 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 on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- (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.
  - (i) The minimum size site shall be twenty-five (25) acres.
  - (ii) The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.

- (iii) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
  - (iv) Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
  - (v) 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.
  - (vi) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
  - (vii) 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.
  - (viii) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- (f) When an application for a Group Assembly Permit includes a private campground, the following standards shall be met:
- (i) Such campground shall have on site management.
  - (ii) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller.
  - (iii) Such campground shall meet the following standards:
    - Minimum size - Ten (10) acres.
    - Maximum density - Ten (10) campsites per gross acre.
    - Sanitary facilities, including flush toilets and showers - Within three hundred (300) feet walking distance of each campsite.
    - Dump station for travel trailers.
    - Potable water supply - One (1) spigot for each four (4) campsites.
    - Trash receptacle - One (1) for each two (2) campsites.
    - Parking - One (1) space per campsite.
    - Picnic table - One (1) per campsite.
    - Fireplace or grill - One (1) per campsite.

Administration or safety building - Open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

iv. Such campground shall meet the following design requirements:

Vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.

Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.

Each campsite shall have a minimum setback of twenty-five (25) feet from any public road of fifty (50) feet.

Each separate campsite shall contain a minimum of thirty two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access.)

Each campsite shall be directly accessible by an interior road.

All interior roads shall be a minimum of ten (10) feet wide for one (1) way traffic and eighteen (18) feet wide for two-way traffic.

All interior roads shall meet the following curve requirements:

Minimum radius for a 90 degree turn - 40 feet

Minimum radius for a 60 degree turn - 50 feet

Minimum radius for a 45 degree turn - 68 feet

No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

(2) Special Conditions for Entertainment and Group Assembly

Small meeting and reception facilities allowed in residential areas; the following requirements shall apply:

- (a) No such facility shall be permitted on a zone lot, unless it contains sixty thousand (60,000) square feet.
- (b) The location, size and design of such facility shall be situated so that it will be compatible with the development within the surrounding area, thus reducing the impact upon such area.
- (c) No facility shall have a capacity for over one hundred (100) persons.

- (d) Each facility shall maintain a twenty (20) foot buffer strip between any residential area.
  - (e) Any site lighting shall be indirect that will not illuminate the surrounding property.
  - (f) Any proposed sign shall be limited to a monument sign no more than five (5) feet in height and twenty-five (25) square feet in surface area.
  - (g) All off-street parking requirements of this ordinance shall apply.
  - (h) Any such facility may be considered an appropriate accessory use and structure to an existing residence so long as the existing residence serves as living quarters for persons regularly employed to provide catering and management services to the facility. The facility may be located in a separate building.
- (3) Special Provisions Applicable to Adult Oriented Business **(amended by Ordinance 2010-001, February 23, 2012)**
- (A) Adult oriented businesses are permitted as a special exception in the IC Districts with the exception of those lots which have a contiguous side or rear lot line to any lot with a residential zoning designation.
  - (B) Whenever used in this ordinance, the following words or phrases shall have the meaning ascribed to them:
    - (1) Adult Bookstore: an establishment having a substantial or significant portion of its stock in trade books, magazines, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or specified anatomical areas,” as defined in Article II of this ordinance, or an establishment with a segment or section devoted to the sale of or display of such material.
    - (2) Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material that is distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in Article II for observation by patrons, therein.
    - (3) Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material that is distinguished or characterized by an emphasis on material that is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
    - (4) Adult Entertainment Center: An enclosed building, no portion in which enclosed building is licensed to sell liquor, that permits a customer to view a live person unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva

or genitals, or that charges any admission or fee for the viewing of any such activity.

(5) Massage Parlor: An establishment or place primarily in the business of providing massage services which is not associated with a medical service.

(6) Sauna: An establishment or place primarily in the business of providing the following:

- (a) a steam bath
- (b) massage services

(7) Adult Oriented Business: This class of district shall also provide suitable areas for uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, thereby, having a deleterious effect upon adjacent areas and that special regulation of these uses is necessary to ensure that these effects will not contribute to the blighting or downgrading of the surrounding neighborhoods.

(C) No adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult entertainment center, massage parlor, or sauna shall be operated or maintained within one thousand (1,000) feet of a residentially zoned district, or within five hundred (500) feet of a church, state licensed day care facility, public library, public or private educational facility that serves persons having an age of seventeen (17) or younger, elementary school, middle school, high school, or municipal park. Only one of the above regulated uses shall be allowed per block face. As used in this section, "block face" shall contain a minimum of five hundred (500) linear feet of road frontage. The distance limitations shall be measured in a straight line from the lot lines of the land containing regulated uses to the lot lines of properties described.

(D) The regulated "adult entertainment" uses shall comply with the following sign requirements:

- (1) All signs shall be flat wall signs.
- (2) The amount of allowable sign area shall not in any circumstance be permitted to exceed four (4) square feet.
- (3) No merchandise or pictures of the products or entertainment provided on the premises shall be displayed in window areas or any area where they can be viewed from any roadway.
- (4) Window areas shall be covered or made opaque.
- (5) No sign shall be placed in any window.
- (6) A one (1) square foot sign may be placed on the door to state hours of operation and admittance to adults only.

(4) Special Conditions for Small Animal Boarding and Housing

- (a) No facility shall be permitted in Agricultural district that does not meet minimum lot size or in a Residential district that contains less than sixty thousand (60,000) square feet.
- (b) No building for housing or boarding animals shall be located no closer than three hundred (300) feet from any adjacent residential structures.
- (c) The location, size and design of such facility shall be situated so that it will be compatible with the development within the surrounding area, thus reducing the impact upon such area. The Board shall have the authority to require that any building used for these purposes be soundproofed to building code requirements.
- (d) All kennel buildings shall be connected to some type of sanitary sewage disposal system which shall include all outdoor runs.
- (e) All outdoor runs shall have a minimum six (6) foot fence with a cover or netting that prohibits escape or entrance. These runs shall have a hard surface that will allow for easy cleaning.
- (f) Each facility shall maintain a thirty (30) foot buffer strip between any developed residential lot and when deemed appropriate by the board provide a tight evergreen buffer.
- (g) Any site lighting shall be indirect that will not illuminate the surrounding property.
- (h) Any proposed sign shall be limited to a monument sign no more than five (5) feet in height and ten (10) square feet in surface area.
- (i) All off-street parking requirements of this ordinance shall apply and the parking areas shall be constructed to meet ADA requirements
- (j) Any such facility may be considered an appropriate accessory use and structure to an existing residence so long as the existing residence serves as living quarters for persons regularly employed to provide care and management services to the facility. The facility may be located in a separate building.

(5) [Reserved] (Amended by Ordinance 2017-019, November 28, 2017)

(6) Special Conditions for Indoor Ranges and Firearms Training Facilities, Excluding Skeet Shooting (Amended by Ordinance 2015-006, November 24, 2015)

These standards are for facilities designed to safely train individuals in the proper handling and use of guns, for target practice, or competitions with minimal impact to adjacent properties.

Indoor range activities:

- a. The development, operation, and maintenance of indoor ranges and firearms training facilities shall be in conformance with the most current Range Manual as published by the National Rifle Association (NRA).
  - b. All indoor ranges must comply with Occupational Safety and Health Administration (OSHA) compliance measures, and EPA-approved ventilation system. An initial inspection shall be made by a professional qualified and competent to conduct the inspection, and results provided to the Board prior to final approval of the request. Annual inspections will be made to ensure all safety standards and procedures are maintained in the operation of the indoor range. This information shall be kept on file with the Building Commissioner.
  - c. A site plan shall be required pursuant to the requirements listed in Article VIII, Section 8.030 (D).
  - d. The owner/developer shall provide a minimum of two (2) parking spaces per firing point or firing lane, plus one (1) additional space for each employee or instructor. The Board may require additional spaces if it is determined more are needed to accommodate the expected groups of people and customers if a percentage of the facility is dedicated to retail sales and service. If retail sales and service are included, then the off-street parking space ratio specified in Article IV, Section 4.010 (I) will be required in addition to the firing lane provision.
  - e. Any proposed signage shall be required to comply with the provisions in Article IV, Section 4.080 for Signs allowed in Commercial and Industrial districts.
  - f. The owner of the facility shall provide on-premises documentation that all Federal and State regulations have been met, including proof of liability insurance consistent with the most current requirements provided by the Tennessee Department of Safety.
- (7) Special Conditions for Automobile, Boat, Motorcycle and other Motorized Vehicles for Sale or Rental **(Added by Ordinance 2014-001, May 25, 2014)**

In addition to the bulk standards provided in ART V, Section 5.052, the Interchange Commercial District, the following conditions are established for this activity to ensure the general requirements as specified in letter E. above are met.

- (a) The display area for all vehicles for sale or rental on site shall be setback at least twenty (20) feet from the edge of the street to allow for landscaping, visibility for ingress/egress to the site, and other design requirements for the Interchange Commercial District. Display areas are specifically prohibited in any landscaped area or right-of-way. Corner lots shall be required compliance with ART III, Section 3.080 to minimize any sight visibility issues.
- (b) No sales of miscellaneous services or other business activities shall be conducted on the premises except for the normal commercial transactions between the dealership and the customers.
- (c) The design of off-street parking including the display area(s) for vehicles shall meet the requirements provided in ART IV, Section 4.013.

- (d) As specified in ART IV, Section 4.010 (N), the off-street parking space ratio shall be determined by the Board of Zoning Appeals. At a minimum, at least one (1) parking space shall be provided for every 250 sq. ft. of office space, or fraction thereof. If the site will be servicing, repairing, or providing other related services for vehicles, then Section 4.010 (K) shall be applied.
- (e) Driveway aisles shall be a minimum of twenty-four (24) feet in width.
- (f) All outdoor lighting shall be angled and shielded to direct illumination onto the established use and away from all adjacent properties. Such lighting shall be sufficient to discourage vandalism and theft.
- (g) All activities shall be adequately landscaped as provided in the bulk standards for the CB zoning districts in ART V, Section 5.050. Any site that abuts an agricultural or residential zoned parcel shall provide adequate buffering as provided in ART III, Section 3.100.
- (h) Any proposed signage shall be required to comply with the provisions in ART IV, Section 4.080 for Signs allowed in Commercial districts.

J. Specific Standards for Agricultural and Extractive Activities

A special exception permit shall not be granted for the agricultural and extractive activity specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

(1) Special Conditions for Mining and Quarrying Activities

- (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:
  - (i) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.
  - (ii) Location of the area in which the proposed quarrying activity is to be conducted.
  - (iii) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
  - (iv) Proposed method of drainage of the quarry area.
  - (v) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
  - (vi) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
  - (vii) Methods proposed to control noise, particulate matter.



(viii) 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 nontoxic, nonflammable, and noncombustible solids. All areas that are backed-filled shall be left so that adequate drainage is provided.

- (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 in an amount to be determined by the planning commission 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.
- (f) The site plan 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.

(2) Special Conditions for Accessory-Agricultural Occupations

- (a) Property must be located in an Agricultural District and meet minimum lot size and dimensional requirements for the district.
- (b) No proposed use shall occupy more than one (1) accessory building with a total square footage not to exceed three thousand (3,000) square feet. Accessory buildings may not be altered so that the character of agricultural function is not maintained.
- (c) Accessory buildings may not be altered so that the character of agricultural function is not maintained.
- (d) Any site within one hundred (100) feet of any residential structure on any adjoining lot shall maintain a twenty-five (25) foot buffer between the residential structure and the site.
- (e) Provide an adequate parking area in compliance with Section 4.010, of this regulation.
- (f) Any proposed sign shall be limited to one (1) ground graphic no more than five (5) feet in height and twenty (20) square feet, setback a minimum of eight (8) feet from the right-of-way.

- (g) No outside storage of goods or materials shall be visible from any public road. Uses involving the storage, transfer or disposal of hazardous materials shall not be permitted.
- (h) All automobiles or trucks parked on the site are required to have a current registration and license plates.

K. Specific Standards for Intermediate Manufacturing Activities

(1) Specific Standards for Intermediate Manufacturing Activities

A special exception permit shall not be granted unless the standards below are met:

- (a) The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.
- (b) Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

(2) Specific Standards for Extensive Manufacturing Activities

A special exception shall not be granted unless the standards below are met:

- (a) No such facility shall be located on a lot unless such lot contains at least one (1) acre.
- (b) Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
- (c) State permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.
- (d) The site plan is first approved by the planning commission taking into account factors related to the use and operation of the facility.

**8.080 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 Coopertown Board. Any member of the Board of Mayor and Aldermen may introduce such legislation, or any official, board, or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.

No amendment to this ordinance shall become effective, unless it is first submitted to the Coopertown Planning Commission for review and recommendation. The planning commission shall have sixty (60) days within which to submit its recommendation to the Board of Mayor and Aldermen. If the planning commission disapproves the amendment, it shall require the favorable vote of a majority of the Board of Mayor and Aldermen to become effective. If the planning commission fails to submit a report within the sixty (60) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen.

Before finally adopting any such amendment, the Board of Mayor and Aldermen shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the Town; and any such amendment shall be published at least once in the official newspaper of the Town or in a newspaper of general circulation in the Town. A fee as established by the Mayor and Board of Aldermen due and payable at the time of petition shall be posted with requests to amend a provision or provisions of this zoning ordinance. The fee is to be used by Coopertown to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance.

**8.081 Application for Rezoning (Amended by Ordinance 2016-018, October 25, 2016)**

A proposed change of zoning district boundaries shall be initiated by the filings of an application with the Coopertown Planning Commission. Said application shall contain:

- (1) The name and address of the owner and/or owners of the subject property, and the written certification of the authorized agent.
- (2) A written legal description of the subject property, including the Coopertown Tax Plat number and acreage.
- (3) A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.
- (4) The names and addresses of the adjacent property owners, including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.
- (5) Nine (9) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information:
  - (a) Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
  - (b) Dimensions in feet of property to be rezoned.
  - (c) All roads and easements within or adjoining property to be rezoned.
  - (d) Location, size, type and current use of any building on the property requested for rezoning.
  - (e) Location of the adjoining property owners in relation to the property to be rezoned.
- (6) All property proposed for rezoning shall have all corners clearly marked with stakes and flagged.

**8.090 PENALTIES (Amended by Ordinance 2007-004, May 22, 2007)**

Any persons violating any provisions of this ordinance or of policies and procedures, including “Site Development Agreements”, adopted in pursuance thereof shall be guilty of a misdemeanor, and upon conviction shall be fined an amount established by the Mayor and Board of Aldermen for each offense. Each day such violations continue shall constitute a separate offense.

**8.100 SITE DEVELOPMENT AGREEMENT (Added by Ordinance 2007-004, May 22, 2007)**

A. Site Development Agreement

Prior to the issuance of any permit, other than a building permit for construction of a one- or two-family dwelling, under authority of this ordinance applicants shall review and enter into a “Site Development Agreement” in a form that is approved by the Mayor and Board of Aldermen for the purpose of acknowledging the understanding and agreement of the applicant with the policies and procedures of the Town as they relate to proposed site development and construction activities.

B. No Site Work Without Permit

All required permits must be obtained before any site grading or construction activity of any type is initiated upon any zone lot or parcel of land or before expanding or changing to another activity type on any zone lot.

C. Application

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the Town, unless the application for such permit has been examined by the office of the Building Commissioner and a determination made by that office that the proposed building or activity complies with all the provisions of this ordinance. An application for a zoning permit shall include all information and exhibits necessary to determine if the proposed activity and/or development is in compliance with the provisions of this ordinance. Any building permit or any other permit issued in conflict with this provision or any other provision of this ordinance shall be null and void.

**8.200 MISCELLANEOUS (Amended by Ordinance 2007-004, May 22, 2007)**

**8.201 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 Building Commissioner or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

**8.202 Validity**

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this ordinance as a whole or any other part of this ordinance be judged invalid or unconstitutional.

**8.203 Interpretation**

Whenever the conditions of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

**8.204 Effective Date**

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Approved and adopted by the Board of Mayor and Aldermen of Coopertown, Tennessee.

January 23, 2007  
Date

Danny Crosby  
Mayor, Coopertown, Tennessee

ATTESTED BY:

Terri A. Brown  
Town Recorder

**APPENDICES**  
(added by Ordinance 2017-003, March 28, 2017)

**STORMWATER LONG TERM OPERATION AND MAINTENANCE PLAN AND AGREEMENT**

*Note: This document is a template for use by the Town of Coopertown. The final document may vary and be modified by the Town of Coopertown based upon the project specific conditions and considerations.*

PROJECT NAME (subdivision/section, lot #, address):

MAP & PARCEL #:

LAT/LONG:

PREPARED BY & CONTACT INFO:

RESPONSIBLE PARTY'S CONTACT INFO:

Name & Company:

Address:

Phone:

Email:

\*The Responsible Party shall submit Annual Inspection Reports to the Town of Coopertown's Building Commissioner no later than July 1st of each year

STORMWATER SYSTEM FEATURES LOCATED ON SITE:

Provide a listing of the features provided. The features may include, but not be limited to, the following examples: Bio-retention, Rain Gardens, Infiltration Trenches, Dry Detention Ponds, Water Quality Swales, Grass Swales, Wet Retention Ponds, Oil Grit Separator/Water Quality Unit, Riparian Buffers, Wetland, Permeable Pavers/Concrete, Green Roof, Storm Sewer Underground Detention or Other.

IMPERVIOUS SQ. FT.: Provide a drawing to show impervious area graphically and by square feet.

THE FOLLOWING DOCUMENTS SHALL BE ATTACHED AND INCLUDED WITH THIS AGREEMENT:

- (1) Location Map
- (2) Stormwater Features Location Reference Sheet: include detailed exhibits of the BMP's and a site map showing the location of all BMP's and stream buffers
- (3) Maintenance narrative & description of each BMP to be inspected
- (4) BMP inspection and maintenance form for each BMP located on site

RECORD DRAWINGS:

Upon completion of the site construction, record drawings of the stormwater controls will be provided to the Town of Coopertown's Building Commissioner for verification.

ACCESS TO SITE GRANTED TO THE TOWN

The Responsible Party agrees and grants to the Town of Coopertown or its agents or contractors the right of entry at reasonable times and in a reasonable manner for the purpose of inspecting, operation, installing, constructing, reconstructing, maintain, or repairing the facility.

CERTIFICATION:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

PRINT NAME:

SIGNATURE:

DATE:

INSPECTION AND MAINTENANCE AGREEMENT OF PRIVATE STORMWATER  
MANAGEMENT FACILITIES

MAP & PARCEL NO.:

PROJECT NAME:

PROJECT ADDRESS:

THIS AGREEMENT, made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ hereinafter referred to as the "RESPONSIBLE PARTY(S)" of the referenced property and Town of Coopertown, Tennessee, hereinafter referred to as the "TOWN",

WITNESSETH

WE, the RESPONSIBLE PARTY(S), with full authority to execute deeds, mortgages, other covenants, all rights, titles, and interests in the property described above, do hereby covenant with the TOWN and agree as follows:

1. The RESPONSIBLE PARTY(S) covenant and agree with the TOWN that RESPONSIBLE PARTY(S) shall provide for adequate long term maintenance and continuation of the stormwater control measures described in the STORMWATER LONG TERM OPERATION AND MAINTENANCE PLAN and shown in the location map, deed of easement drawing or plat attached hereto to ensure that the facilities, are and remain in proper working condition in accordance with approved design standards, rules and regulations, and applicable laws. The RESPONSIBLE PARTY(S) shall perform preventative maintenance activities at intervals described in the schedule included in the Long Term Maintenance Plan with necessary landscaping (grass cutting, etc.) and trash removal as part of regular maintenance.
2. The RESPONSIBLE PARTY(S) shall submit to the TOWN an annual report by July 1st of each year. The report will include the STORMWATER LONG TERM OPERATION AND MAINTENANCE PLAN that document inspection schedule, times of inspection, remedial actions taken to repair, modify or reconstruct the system and the state of control measures.
3. The RESPONSIBLE PARTY(S) shall grant to the TOWN or its agent or contractor the right of entry at reasonable times and in a reasonable manner for the purpose of inspecting, operating, installing, constructing, reconstructing, maintaining or repairing the facility.
4. The RESPONSIBLE PARTY(S) shall grant to the TOWN the necessary easements and rights-of-way and maintain perpetual access from public rights-of-way to the facility for the TOWN or its agent and contractor in accordance with the Stormwater Management Ordinance. The RESPONSIBLE PARTY(S) is solely responsible for the maintenance, operations and costs associated with these responsibilities. The RESPONSIBLE PARTY(S) agree that should maintenance not be properly performed, after due notice, the TOWN may order the work performed. The RESPONSIBLE PARTY(S) shall reimburse the TOWN upon demand the costs incurred and any enforcement action costs according to the Town of Coopertown's Zoning Ordinance and other ordinances and is due upon receipt.
5. The TOWN is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the TOWN.
6. If the RESPONSIBLE PARTY fails to pay the TOWN for the above expenses after forty-five (45) days written notice, the RESPONSIBLE PARTY authorizes the TOWN to collect said expenses from the RESPONSIBLE PARTY through appropriate legal action and the RESPONSIBLE PARTY shall be liable for the reasonable expenses of collection, court cost, and attorney fees.



7. The RESPONSIBLE PARTY(S) shall indemnify and save the TOWN harmless from any and all claims for damages to persons or property arising from RESPONSIBLE PARTY(S) actions or inaction relating to the construction, maintenance, and use of the facility.
8. The Agreement and covenants contained herein shall apply to and bind the RESPONSIBLE PARTY(S) and the RESPONSIBLE PARTY(S)' heirs, executors, successors, and assigns, and shall bind all present and subsequent RESPONSIBLE PARTYs of the property served by the facility.
9. The RESPONSIBLE PARTY(S) shall not be able to modify its responsibilities with respect to this agreement without the TOWN's written prior consent. Nothing herein shall be construed to prohibit a transfer by RESPONSIBLE PARTY(S) to subsequent RESPONSIBLE PARTYs and assigns.
10. The RESPONSIBLE PARTY(S) shall record a plat showing and accurately defining the easements for stormwater control facilities. The plat must reference the Instrument Number where this AGREEMENT and attachments are recorded and contain a note that the RESPONSIBLE PARTY(S) is responsible for maintaining the stormwater management facilities.
11. The RESPONSIBLE PARTY(S) shall record this AGREEMENT in the office of the Register of Deeds for the County of Robertson, Tennessee, and the AGREEMENT shall constitute a covenant running with the land, and shall be binding upon the RESPONSIBLE PARTY(S) and the RESPONSIBLE PARTY(S) heirs, administrators, executors, assigns, and any other successors in interest.

ATTEST:

RESPONSIBLE PARTY NAME:

RESPONSIBLE PARTY SIGNATURE:

PRINT RESPONSIBLE PARTY NAME:

RESPONSIBLE PARTY TITLE:

RESPONSIBLE PARTY ADDRESS

RESPONSIBLE PARTY PHONE NUMBER

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, \_\_\_\_\_ of the state and county mentioned, personally appeared \_\_\_\_\_, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be president (or other

officer authorized to execute the instrument) of \_\_\_\_\_,  
the within named bargainer, a corporation, and that such president or officer as such  
\_\_\_\_\_, executed the foregoing instrument for the purpose therein  
contained, by personally signing the name of the corporation as  
\_\_\_\_\_.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_

NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

ATTEST:

TOWN OF COOPERTOWN

Before me, \_\_\_\_\_ of the state and county mentioned, personally  
appeared \_\_\_\_\_, with whom I am personally acquainted (or proved to  
me on the basis of satisfactory evidence), and who acknowledge themselves to be the  
\_\_\_\_\_ of the Town of Coopertown, Tennessee and that as such  
\_\_\_\_\_, being authorized so to do, executed the foregoing instrument of  
the purposes therein contained.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_

NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_