

Ordinance # 179

~~PROPOSED~~

THE MUNICIPAL
ZONING ORDINANCE
FOR
ASHLAND CITY, TENNESSEE

ASHLAND CITY MUNICIPAL PLANNING COMMISSION

Prepared By
Don E. Martin, Principal Planner

Transcript
Nora D. Howse

TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
LOCAL PLANNING OFFICE
SUITE 128, 446 METROPLEX DRIVE
NASHVILLE, TENNESSEE 37211-3139
(615) 741-1534
FAX (615) 532-1896

LATEST DATE PROPOSED: JUNE, 1997

*Jan
Feb.*

PTI # 30611510

• ~~XXXXXXXXXX~~ →

TABLE OF CONTENTS

	PAGE
ARTICLE I - ENACTMENT	1
Section 1.010 - Authority	1
Section 1.020 - Title	1
Section 1.030 - Enactment	1
Section 1.040 - Purpose	2
ARTICLE II - DEFINITIONS	3
Section 2.010 - Scope	3
Section 2.020 - Definitions	3
Section 2.030 - Use Classifications	34
ARTICLE III - GENERAL PROVISIONS	58
Section 3.010 - Scope	58
Section 3.020 - Only one (1) principal building on any lot	58
Section 3.030 - Lot must abut a public street	58
Section 3.040 - Rear yard abutting a public street	59
Section 3.050 - Corner lots	59
Section 3.060 - Future street lines	59
Section 3.070 - Reduction in lot area prohibited	59
Section 3.080 - Obstruction to vision at street intersection prohibited	60
Section 3.090 - Access control	60
Section 3.100 - Accessory use regulations	61
Section 3.110 - Buffer strips	61
Section 3.120 - Plot plan requirements	62
Section 3.130 - Solar orientation	64
Section 3.140 - Landscape Treatment Regulations	64
Section 3.150 - Standards pertaining to tree preservation and protection	70
Section 3.160 - Standards applying to steep slopes	78
Section 3.170 - Standards applying to slippage soils	78
Section 3.180 - Standards as apply to development near sinkholes	79
Section 3.190 - Performance standards regulations	80

ARTICLE IV - SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS 84

Section 4.010 - Off-street parking requirements 84

Section 4.020 - Off-street loading and unloading requirements 84

Section 4.030 - Temporary use regulations 96

Section 4.040 - Customary incidental home occupations 97

Section 4.050 - Fall-out shelter restrictions 98

Section 4.060 - Gasoline service station restrictions 99

Section 4.070 - Planned development regulations 99

Section 4.080 - Special provisions for party walls 120

Section 4.090 - Development standards for mobile home parks 122

Section 4.100 - Development standards for automobile wrecking, junk and salvage yards 125

Section 4.110 - Floodway fringe area 127

Section 4.120 - Flood damage prevention requirements 130

Section 4.130 - Yard requirements on corner lots in residential districts 135

Section 4.140 - Minimum residential front yard requirements on turnarounds of cul-de-sac streets 135

Section 4.150 - Special provisions for residential occupancy in connection with mini-warehouse facilities 135

Section 4.160 - Cluster Residential Development Standards (Subdivided) 136

Section 4.170 - Development standards applying to duplex dwellings as well as zero lot-line two family dwellings 144

Section 4.180 - Development standards as apply to multi-family dwellings 145

Section 4.190 - Height requirement as applies to fences 146

Section 4.200 - Antennas and satellite (T.V.) dishes 146

Section 4.210 - Minimum design standards for transmission and communication towers and stations 146

Section 4.220 - Standards as apply to adult-oriented business establishments 147

Section 4.230 - Standards as apply to fire department connections in buildings with sprinkler systems 147

Section 4.240.- Standards as apply to motor home (travel trailer) parks 148

Section 4.250 - Standards applying to cemeteries 148

Section 4.260 - Standards applying to swimming pools 148

Section 4.270 - Screening of propane tanks and dumpsters 148

ARTICLE II
DEFINITIONS

SECTION

- 2.010 Interpretation
- 2.020 Definitions
- 2.030 Use Classifications

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

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

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

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

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

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

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

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

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

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

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

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

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

ADULT ARCADE: Means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting, describing of "specified sexual activities" or "specified anatomical areas". (See definitions of specified anatomical area and specified sexual activities).

ADULT BOOKSTORE OR ADULT VIDEO STORE: Means an establishment having as its principal business purpose the sale or rental of books, films, video cassettes or any other kind of video tape or any other form of electronic media, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas". (See definition of specified anatomical area, and specified sexual activities).

ADULT ENTERTAINMENT: Means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of "specified

ARTICLE I

ENACTMENT

SECTION

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

1.010. Authority. An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-401, Tennessee Code Annotated to provide for the establishment of districts within the corporate limits of the Town of Ashland City, Tennessee: to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes including areas subject to flooding; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

1.020. Title. This ordinance shall be known as The Zoning Ordinance for Ashland City, Tennessee dated _____, 1997. The zoning map shall be referred to as the Official Zoning Map of Ashland City, Tennessee and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

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

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

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

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

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

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

(TABLE OF CONTENTS continued)

Page

ARTICLE V - ZONING DISTRICTS 149

 Section 5.010 - Classification of districts 149

 Section 5.020 - Zoning Map 149

 Section 5.030 - Zoning district boundaries 150

 Section 5.040 - Zoning of annexed territory 150

 Section 5.050 - Specific district regulations 150

ARTICLE VI - EXCEPTIONS AND MODIFICATIONS 196

 Section 6.010 - Scope 196

 Section 6.020 - Nonconforming uses 196

 Section 6.030 - Special provisions governing nonconforming
 buildings within the floodway districts 200

 Section 6.040 - Bulk and lot size noncompliance 201

 Section 6.050 - Exceptions to height limitations 202

 Section 6.060 - Lots of record 202

 Section 6.070 - Exceptions to setback requirements 203

 Section 6.080 - Absolute minimum lot size 203

ARTICLE VII - ADMINISTRATION AND ENFORCEMENT 204

 Section 7.010 - Administration of the ordinance 204

 Section 7.020 - The enforcement officer 204

 Section 7.030 - Building permits 205

 Section 7.040 - Temporary use permits 206

 Section 7.050 - Certificate of occupancy 206

 Section 7.060 - Procedure for authorizing special exceptions . 207

 Section 7.070 - Board of Zoning Appeals 220

 Section 7.080 - Variances 221

 Section 7.090 - Amendments to the ordinance 224

 Section 7.100 - Penalties 226

 Section 7.110 - Remedies 226

 Section 7.120 - Separability 226

 Section 7.130 - Interpretation 226

 Section 7.140 - Effective date 227

APPENDIX 228

 Classification of Plant Materials 229

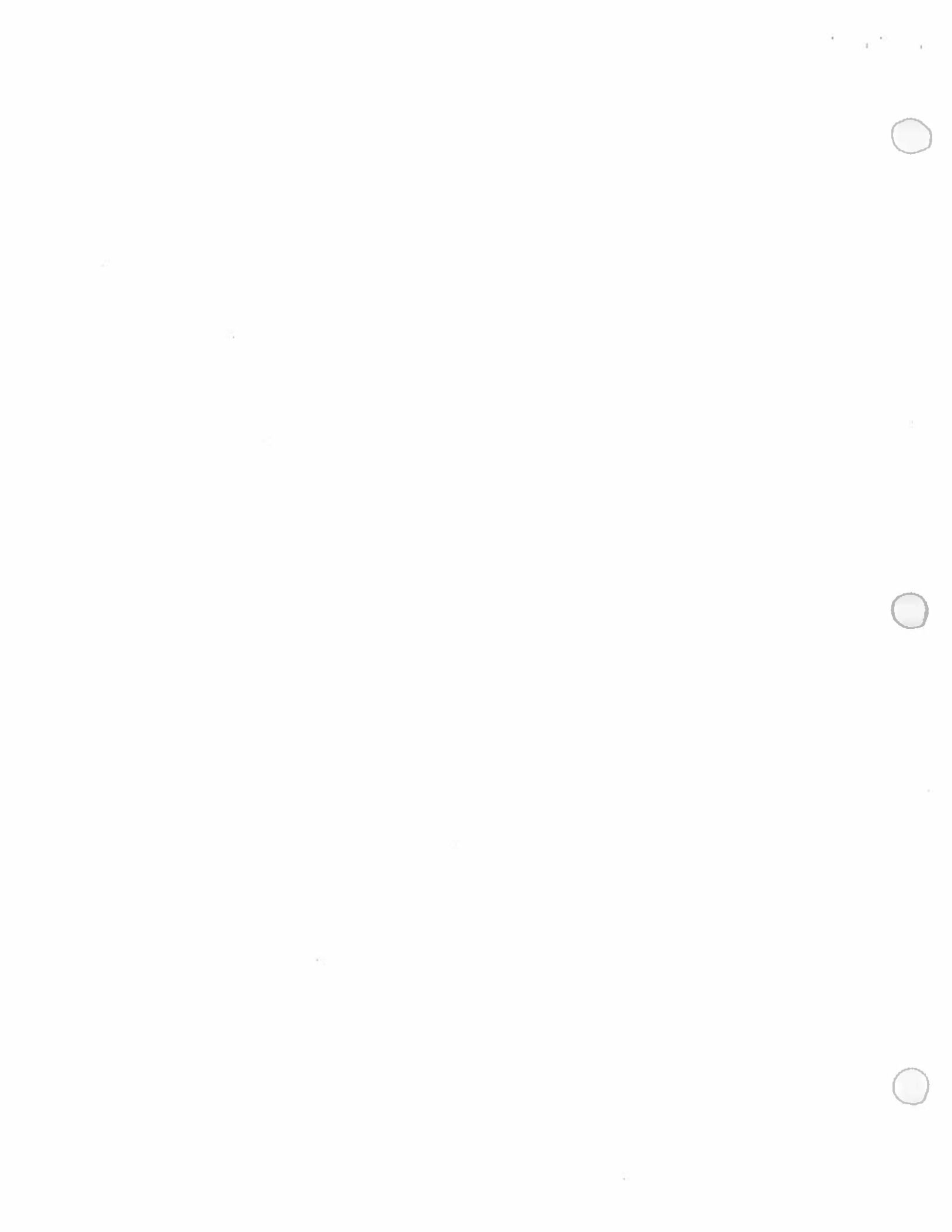
 Lot Illustrations 232

 Trip Generation Table 233

 Driveway Construction Illustrations 234

 Parking Illustrations 235

 Landscaping Illustrations 237



sexual activities", including removal of articles of clothing or appearing unclothed. (See definition of specified anatomical area, and specified sexual activities).

ADULT MOTION PICTURE THEATER: Means an enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by patrons therein. (See definitions of specified anatomical area and specified sexual activities).

ADULT-ORIENTED ESTABLISHMENT: Includes, but is not limited to, adult bookstores or adult video stores, adult motion picture theaters, adult arcades, adult theaters or cabarets, and further means any premises to which the public or members of the public are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult-oriented establishment further includes, without being limited to, any adult entertainment studio or any premises physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import. (See Section 7.061.13 for development standards).

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

1. Live performances, displays, or dances which have as their dominant theme or are distinguished or characterized by an emphasis on any actual or simulated "specified sexual activities" or "specified anatomical areas," or the removal of articles of clothing or appearing partially or totally nude, or
2. Films, motion pictures, video cassettes, slides, or other video or photographic reproductions which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas". (See definition of specified anatomical area, and specified sexual activities).

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard,

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

ADVERTISING SIGN OR STRUCTURE: See Sign.

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

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

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

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

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

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

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

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

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 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: 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.

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

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

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

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year.

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

BREAKAWAY WALL: Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

BOARDING HOUSE: See dwelling definitions.

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

height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet in height.

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

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

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

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

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

BUILDING SETBACK LINE(S), SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line. In the case of corner lots in residential districts, side building setback lines extend from the front building setback line of the servicing street to the other front building setback line adjoining the secondary street which abutts said corner lot.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, as shown on the current, adopted Major Thoroughfare Plan Map, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way. No structure shall be placed in front of this building setback line.

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

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line. Within this area no structure shall be placed.

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

BUSINESS AND COMMUNICATION SERVICES: The provision of clerical services, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books, other than pamphlets and small reports.

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

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

CLINIC: See Medical Facility.

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

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

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

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

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

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

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

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

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

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

DEVELOPER: An owner as defined within this Ordinance that is involved in any man-made change to improved or unimproved real estate including mining, dredging, filling, grading, paving, excavating, and drilling operations, as well as all types of building activities.

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

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

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

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

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

- a. Single detached dwelling means a building and detached dwelling and accessories thereto principally used, designed, or adapted for use by a single family.
- b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) families, the living quarters of each of which are completely separate.
- c. Apartment dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more families each of which has separate living quarters.
- d. Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants, containing owner-provided cooking and dining facilities. (See semi-transient habitation definition).
- e. Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities. (See semi-transient habitation definition).
- f. Townhouse means a residential structure containing three or more single nondetached dwelling units separated by common vertical walls.
- g. Condominium means an apartment building or townhouse, containing three or more dwelling units being under or intended for separate ownership, in which individual

living accommodations are provided for each family. Within the context of this ordinance, all condominiums are planned development projects (see Section 4.070 herein).

- h. Multi-family dwelling means a townhouse or apartment dwelling. For the purposes of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rent partly on a monthly basis and partly for a shorter period of time, but with more than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis, shall be considered a semi-transient residential activity. If over thirty (30) percent of such multi-family units under the same management or ownership are occupied on a biweekly basis or less, they shall be considered as transient lodging activity. (See definition of transient habitation).
- i. Triplex dwelling means three units designed for use by three families located on the same tract (zone lot).
- j. Quadraplex dwellings mean four units designed for use by four families located on the same tract (zone lot).
- k. Prefabricated or modular dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flatbed truck or trailer in more than one section, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. Moreover, to qualify as a prefabricated or modular dwelling, such dwelling must have a pitched roof. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.
- l. Mobile home or trailer means a vehicular portable structure designed and constructed in accordance with the requirements of American National Standards Institute Standard A119.1, built on a chassis, designed for year around occupancy and designed to

have no foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle.

- m. Zero lot line dwelling means a building or structure containing two units (duplex), each unit being located on it's own zone lot in separate ownership.
- n. Upper story residential dwelling means the area of a building above the ground floor which is principally used, designed, or adapted for use by one or more households each of which has separate living quarters.
- o. Retirement or assisted living dwelling means an apartment or townhouse containing individual or separate living quarters containing individual cooking and dining facilities, as well as a common cooking facility. Maintenance and nursing services are typically provided on-site, although those who reside on premises are not convalescent.

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 National Flood Insurance 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: Any structure for which the "start of construction" commenced before the effective date of this Ordinance.

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

EXISTING STRUCTURES: See "Existing Construction".

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (excepting as set forth below) shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four or less boarders, including roomers, may be accommodated. The term "family" as used in this ordinance, shall be construed to include unrelated mentally retarded or physically handicapped persons and with up 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. All required minimum building code, as well as health and safety standards must be adhered to when considering the housing of disabled, handicapped and mentally retarded persons (see ruling with regard to Cleveland, Tennessee federal case pertaining to retarded, handicapped, and disabled family persons).

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

FINANCIAL, CONSULTING AND ADMINISTRATIVE: Includes the provisions of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this regulation.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of run-off of surface waters from any source.

FLOOD ELEVATION DETERMINATION: Means a determination by the Administrator 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) and/or flood-related erosion hazards.

FLOOD HAZARD BOUNDARY MAP (FHBM): Means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

FLOOD INSURANCE RATE MAP (FIRM): Means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: Is the official report for Ashland City provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

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.

FLOOD, 100-Year: A flood which has, on the average, a 1 percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "1-percent chance flood."

FLOODPLAIN: A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this ordinance the land subject to inundation by the 100-year flood.

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.

FLOODPROOFING: Any combination of structural or non-structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, 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 an abnormal tidal surge, 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 flood plain management regulations.

FLOODWAY: The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) foot above the pre-development conditions.

FLOODWAY FRINGE AREAS: Lands lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

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

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

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, bridge openings and the hydrological effect of urbanization of the watershed.

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

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.

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

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

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

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

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

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

HISTORIC STRUCTURE: Means any structure that is:

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

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

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See Medical Facilities.

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance.

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

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable 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 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 the Federal Emergency Management Agency.

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

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 purposes of this Ordinance, the term is synonymous with National Geodetic

Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MEDICAL FACILITIES:

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

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

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

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

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

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

NATIONAL GEODETIC VERTICAL DATUM (NGVD): As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

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

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

NONCOMPLYING:

- (a) Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.
- (b) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- (c) Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:
 - (1) Location along district boundary;
 - (2) Accessory off-street parking and loading;

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

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

ONE HUNDRED YEAR FLOOD: A flood which has, on the average, a one (1) percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "one (1) percent chance flood".

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

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

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

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

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

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

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

PLANNED DEVELOPMENT: A single planned area of land which is designed and organized to be capable of satisfactory use and operation as a separate entity, without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private. Planned developments typically consist of relatively large interrelated residential developments located on a single tract of land. Mixed use developments of all types are also planned unit developments. Shopping centers of various types fall under this definition of planned development, if there is "fee-simple" ownership of the businesses therein.

PLANNING COMMISSION: The Ashland City Municipal Planning Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

RECREATIONAL VEHICLE: Means a vehicle which is:

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

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.

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

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

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

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

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

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

RIVERINE: Means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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

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

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

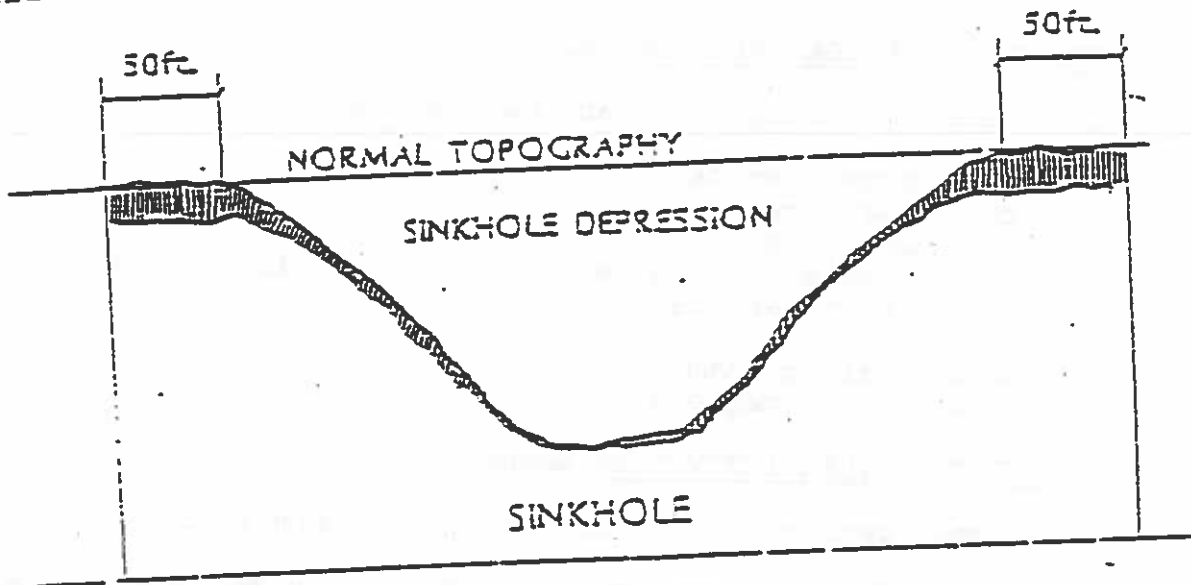
SEMI-TRANSIENT HABITATION: Living accommodations occupied partly on a monthly or longer basis and partly for a shorter time period, but with more than thirty (30) percent of the living units under the same ownership, control or management on the same zone lot being occupied on more than a by-weekly basis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

SHELTER, FALL-OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

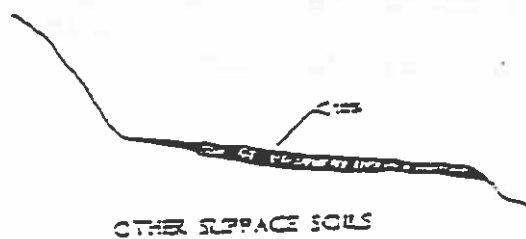
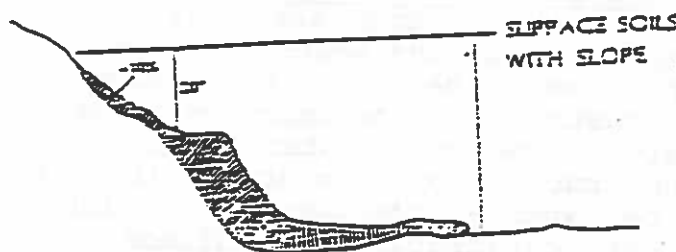
SHOPPING CENTER: A group of compatible commercial establishments planned, developed, and managed, as a unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of shop to its trade area.

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

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



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



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

SPECIAL HAZARD AREA: Means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHB or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

SPECIFIED ANATOMICAL AREAS means:

1. Less than completely and opaquely covered:
 - a. Human genitals;
 - b. Pubic region;
 - c. Buttocks;
 - d. Female breasts below a point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if completely opaquely covered;

SPECIFIED SEXUAL ACTIVITIES means:

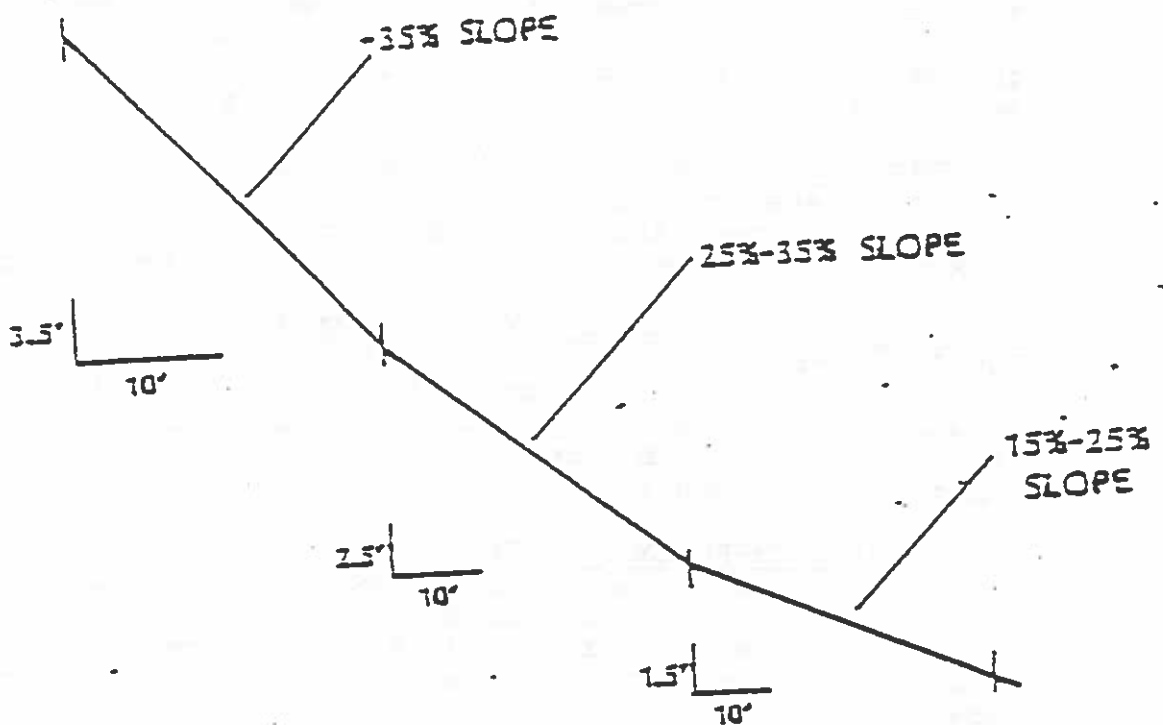
1. Human genital in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
or
3. Fondling or erotic touching of human genitals, public region, buttocks or female breasts.

START OF CONSTRUCTION: For the purposes of the National Flood Insurance Program start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. A certification of elevation must

be completed, stamped and signed, and presented to the local enforcement officer within 180 days after the issuance of a building permit, whenever any residential structure is being constructed within any official flood hazard area.

STATE COORDINATING AGENCY (TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, LOCAL PLANNING ASSISTANCE OFFICE): Means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the FEMA Administrator to assist in the implementation of the National Flood Insurance Program in that state.

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



HORIZONTAL SCALE 1"=5'
 VERTICAL SCALE 1"=2'

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

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

STRUCTURE: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground, or attachment to anything having location on the ground, and including among other things, solar devices, satellite or T.V. dishes, signs, and billboards.

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

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

SUBSTANTIAL IMPROVEMENT: For the purposes of the National Flood Insurance Program, substantial improvement includes any repair, reconstruction, or improvement of a principal structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair or (2) before the damage occurred. For the purpose of this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure or not. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, building, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

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

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

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

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

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

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

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

VIOLATION FOR THE PURPOSES OF THE NATIONAL FLOOD INSURANCE PROGRAM: 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, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE: For the purposes of the requirements of the National Flood Insurance Program, a watercourse is any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area is generally above ten (10) acres or more in extent, provided that it shall, upon the rule or order of the planning commission also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation. Any stream illustrated on a U.S.G.S. quadrangle sheet, or on a FEMA flood hazard boundary map shall be officially classified as a watercourse.

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

YARD, FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building or structure, including porches, and the front lot line. On corner lots two front yards shall be designated, as required by this ordinance. (See lot illustrations in the Appendix Section of this Ordinance).

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

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

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

ZONE LOT: For purposes of this ordinance, a zone lot is a parcel of contiguous land which is or may be developed or utilized under single ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required.

Such lot shall have frontage on an improved public street, or on a dedicated permanent easement as regulated in Section 3.030 herein. For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration. As utilized within this Section of the Ordinance, the meaning of a zone lot is synonymous with the term lot.

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

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

2.030. Use Classification

General Classification Rules

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

2.031. Listing of Activity Classifications

All activities are hereby classified into the following activity types:*

A.	<u>Residential Activities:</u>	<u>Page Number</u>
	1. Permanent	36
	2. Semi-Transient	37
B.	<u>Community Facilities Activities:</u>	
	1. Administrative	38
	2. Community Assembly	38
	3. Community Education	39
	4. Cultural and Recreation Services	39
	5. Essential Service	39
	6. Extensive Impact	40
	7. Health Care	40
	8. Intermediate Impact	41
	9. Personal and Group Care Facilities	41
	10. Religious Facilities	42
C.	<u>Commercial Activities:</u>	<u>Page Number</u>
	1. Animal Care and Veterinarian Services	42
	2. Automotive Parking	42
	3. Automotive Service and Repair	43
	4. Building Materials and Farm Equipment	43
	5. Consumer Repair Services	44
	6. Construction Sales and Services	44

*Vacant land, itself, shall not constitute an activity type.

7.	Convenience Commercial	45
8.	Entertainment and Amusement Services	45
9.	Financial, Consulting, and Administrative	46
10.	Food and Beverage Service	46
11.	Food Service - Drive-in	47
12.	General Business and Communication Services	47
13.	General Personal Service	48
14.	General Retail Trade	49
15.	Group Assembly	50
16.	Professional Services-Medical	50
17.	Professional Services-Non-Medical	51
18.	Transient Habitation	51
19.	Vehicular, Marine Craft, Aircraft, and Related Equipment Sales, Retail and Delivery	52
20.	Warehousing, Goods, Transport and Storage	52
21.	Wholesale Sales	53

D. Manufacturing Activities:

1.	Limited	53
2.	Intermediate	54
3.	Extensive	55

E. Agricultural, Resource Production, and Extractive Activities:

1.	Agricultural Services	56
2.	Crop and Animal Raising	56
3.	Commercial Feed Lots and Stockyards	56
4.	Mining and Quarrying	57
5.	Plant and Forest Nurseries	57

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

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

1. SEPARATE CLASSIFICATION OF EACH ESTABLISHMENT

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

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

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

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

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

2.034. RESIDENTIAL ACTIVITIES: CLASS AND TYPE

2.034.1 ACTIVITIES TYPE - PERMANENT RESIDENTIAL ACTIVITIES

A. Intent and Limitations.

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

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

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

B. Use Listing

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

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

2.034.2 ACTIVITY TYPE - SEMI-TRANSIENT RESIDENTIAL ACTIVITIES

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

A. Intent and Limitations

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

B. Use Listing

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

Boarding House
Rooming House

2.035 COMMUNITY FACILITY ACTIVITIES: CLASS AND TYPE

2.035.1 ACTIVITY TYPE - GOVERNMENT ADMINISTRATIVE SERVICES

A. Intent and Limitations

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

B. Use Listing

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

2.035.2 ACTIVITY TYPE - COMMUNITY ASSEMBLY

A. Intent and Limitations

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

B. Use Listing

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

2.035.3 ACTIVITY TYPE - EDUCATIONAL FACILITIES

A. Intent and Limitations

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

B. Use Listing

Primary and secondary schools

2.035.4 ACTIVITY TYPE - CULTURAL AND RECREATIONAL SERVICES

A. Intent and Limitations

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

B. Use Listing

Art Galleries (Non-Commercial)

Libraries

Museums

Parks, Playgrounds, and Athletic Fields

Recreational Centers and Gymnasiums (Public Non-Profit)

Swimming Pools and Beaches

Yachting Clubs (Private)

Zoological and Botanical Gardens (Non-Commercial)

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

A. Intent and Limitations

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

B. Use Listing

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

2.035.6 ACTIVITY TYPE - EXTENSIVE IMPACT FACILITIES

A. Intent and Limitations

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

B. Use Listing

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

2.035.7 ACTIVITY TYPE - HEALTH CARE FACILITIES

A. Intent and Limitations

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

B. Use Listing

Centers for Observation or Rehabilitation
Convalescent Homes
Hospitals
Medical Clinics

2.035.8 ACTIVITY TYPE - INTERMEDIATE IMPACT FACILITIES

A. Intent and Limitations

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

B. Use Listing

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

2.035.9 ACTIVITY TYPE - SPECIAL PERSONAL AND GROUP CARE FACILITIES

A. Intent and Limitations

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

B. Use Listing

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

2.035.10 ACTIVITY TYPE - RELIGIOUS FACILITIES

A. Intent and Limitations

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

B. Use Listing

- Chapels
- Churches
- Convents or Monasteries
- Sanctuaries
- Synagogues
- Temples

2.036 COMMERCIAL ACTIVITIES: CLASS AND TYPES

2.036.1 ACTIVITY TYPE - ANIMAL CARE AND VETERINARIAN SERVICES

A. Intent and Limitations

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

B. Use Listing

- Veterinarian Clinics
- Kennels

2.036.2 ACTIVITY TYPE - AUTOMOTIVE PARKING

A. Intent and Limitations

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

B. Use Listing

Auto Parking Lots
Parking Garages

2.036.3 ACTIVITY TYPE - AUTOMOTIVE SERVICE AND REPAIR

A. Intent and Limitations

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

B. Use Listing

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

2.036.4 ACTIVITY TYPE - BUILDING MATERIALS AND FARM EQUIPMENT SALES

A. Intent and Limitations

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

B. Use Listing

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

2.036.5 ACTIVITY TYPE - CONSUMER REPAIR SERVICES

A. Intent and Limitations

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

B. Use Listing

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

2.035.6 ACTIVITY TYPE - CONSTRUCTION SALES AND SERVICES

A. Intent and Limitations

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

B. Use Listing

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

2.036.7 ACTIVITY TYPE - CONVENIENCE COMMERCIAL

A. Intent and Limitations

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

B. Use Listing

Bakeries
Barber Shops
Candy, Nut and Confectionery Stores
Convenience Markets where gasoline may be sold
Diary Products
Drug Stores
Fruit Stores
Hardware Stores
Health Spas
Laundry, Cleaning and Garment Services
Meat and Fish Markets
News Stands
Shoe Repair Shops
Vegetable Markets

2.036.8 ACTIVITY - ENTERTAINMENT AND AMUSEMENT SERVICES

A. Intent and Limitations

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

B. Use Listing

Art Galleries--Commercial
Bowling Alleys and Billiard Parlors
Coin Operated Amusement Arcades
Commercial Recreation
Golf Courses and Driving Ranges
Riding Stables
Skating Facilities
Swimming Pools and Beaches
Tennis Courts

Dance Halls
Exhibition Halls and Commercial Auditoriums
Gardens (Botanical and Zoological)
Marinas, Boat Docks, and Boat Rental
Motion Picture Theaters
Motion Picture Theaters-Drive-In
Recording and Television Production Studios
Theaters - Legitimate
Theatrical Producers, Bands, Orchestras, and
Entertainers

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

A. Intent and Limitations

This grouping includes firms engaged in the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These include the executive, management, or administrative activities of private, profit oriented firms but exclude the sale and/or storage of goods or chattel unless otherwise permitted by this ordinance.

B. Use Listing

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

2.036.10 ACTIVITY TYPE - FOOD AND BEVERAGE SERVICE

A. Intent and limitations

This grouping is intended to include retail establishment selling prepared foods and drinks to the general public primarily for consumption on the

premises. The grouping is not intended to include food preparation facilities which are not open to the general public and are operated as a subordinate service for benefit of employees engaged in other activities.

B. Use Listing

Cafes
Cafeterias
Restaurants
Taverns

2.036.11 ACTIVITY TYPE - FOOD SERVICE TAKE-OUT

A. Intent and Limitations

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

B. Use Listing

Drive-In Restaurants
Fast Food Restaurants

2.036.12 ACTIVITY TYPE - GENERAL BUSINESS SERVICE

A. Intent and Limitations

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

B. Use Listing

Advertising Agencies and Services
Bus and Transit Terminals for Passengers
Commercial Cleaning Services
Commercial Testing Laboratories
Communication Services:

Radio and Television Broadcasting Studios
Telegraph Offices and Message Centers
Telephone Exchanges and Relay Towers
Television and Recording Production Studios

Computer and Data Processing Services
Credit Reporting, Adjustment, and Collection
Agencies
Detective Agencies and Protective Services
Drafting Services
Employment, Personnel, and Temporary Help Services
Exterminating Services
Interior Decorator and Consulting Services
Mailing, Reproduction, and Commercial Art Services
Management, Consulting, and Public Relations
Services

Membership Organizations:

Automobile Clubs
Better Business Bureaus
Chamber of Commerce
Labor Unions
Political Organizations
Professional Associations

News Syndicates
Photofinishing Services
Research and Development Laboratories
Trading Stamp Services
Travel Agencies
Vehicular and Equipment Rental and Leasing Services

2.036.13 ACTIVITY TYPE - GENERAL PERSONAL SERVICES

A. Intent and Limitations

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

B. Use Listing

Funeral and Crematory Services (Undertaking
Services)
Catering Services
Clothing Repair and Rental
Photographic Studios
Hat Cleaning Shops
Special Training and Schooling Services:

Art and Music Schools
Barber and Beauty Schools
Dancing Schools
Driving Schools
Athletic Clubs

2.036.14 ACTIVITY TYPE - GENERAL RETAIL TRADE

A. Intent and Limitations

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

B. Use Listing

Antique and Second Hand Merchandise Stores
Automotive Parts (No exterior Storage)
Book and Stationery Stores
Camera Stores
Children's and Infant's Stores
Department Stores
Drapery, Curtain, and Upholstery Stores
Family Clothing Stores
Floor Covering Stores
Florists
Furniture Stores
Furriers and Fur Shops
Gift Shops
Grocery Stores
Hardware Stores
Hobby, Toy, and Game Stores
Household Appliance Stores
Jewelry Stores
Luggage Shops
Men's and Boy's Clothing and Furnishing Stores

Miscellaneous Apparel and Accessory Stores:

 Bathing Suit Stores
 Custom Tailors
 Shirt Shops
 Sports Apparel Stores
 Uniform Stores

Miscellaneous General Merchandise Stores:

 Direct Selling Organizations
 Mail Order Houses

Miscellaneous Home Furnishings Stores:

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

Music Stores
News Stands
Proprietary Stores
Radio and Television Stores
Sewing and Piece Goods Stores
Shoe Stores
Sporting Goods Stores
Tobacco Shops
Variety Stores
Women's Accessory and Specialty Stores
Women's Ready-to-Wear Store

2.036.15 ACTIVITY TYPE - GROUP ASSEMBLY

A. Intent and Limitations

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

B. Use Listing

Amusement Parks and Fairgrounds
Commercial Camp Grounds
Commercial Resorts
Commercial Sports Arenas and Playing Fields
Race Tracks (Auto, Motorcycle, Dog, and Horse)
Schools for Profit
Colleges and Universities
Technical and Trade Schools
Drag Strips
Exhibit Show Buildings and Facilities

2.036.16 ACTIVITY TYPE - PROFESSIONAL SERVICES - MEDICAL

A. Intent and Limitations

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

B. Use Listing

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

2.036.17 ACTIVITY TYPE - PROFESSIONAL SERVICES - NON
MEDICAL

A. Intent and limitations

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

B. Use Listing

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

2.036.18 ACTIVITY TYPE - TRANSIENT HABITATION

A. Intent and Limitations

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

B. Use Listing

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

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

A. Intent and Limitations

This grouping is intended to include the retail dealers selling new or used automobiles, boats, aircraft, recreational vehicles, utility trailers and motorcycles. The grouping is not intended to include automotive distributors, the greater part of whose sales are to dealers or to institutional or industrial uses (See Wholesale Trade-Durable Goods).

B. Use Listing

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

2.036.20 ACTIVITY TYPE - WAREHOUSING, GOODS TRANSPORT, AND
STORAGE

A. Intent and Limitations

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

B. Use Listing

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

2.036.21 ACTIVITY TYPE - WHOLESALE SALES

A. Intent and Limitations

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

B. Use Listing

Apparel, Piece Goods, and Notions
Beer, Wine and Distilled Alcoholic Beverages
Chemicals and Allied Products
Drugs, Drug Proprietaries, and Sundries
Electrical Goods and Appliances
Farm Products, Raw Materials
Farm Supplies
Furniture and Home Furnishings
Groceries and Related Products
Hardware, Plumbing, and Heating Equipment and Supplies
Lumber and Other Construction Materials
Machinery, Equipment, and Supplies
Metals and Minerals
Motor Vehicle and Automotive Parts and Supplies
Paints, Varnishes, and Supplies
Paper and Paper Products
Petroleum and Petroleum Products
Sporting, Recreational, Photographic, and Hobby Goods
Tobacco and Tobacco Products
Toys and Supplies

2.037 INDUSTRIAL ACTIVITIES: CLASS AND TYPES

2.037.1 ACTIVITY TYPE - MANUFACTURING - LIMITED

A. Intent and Limitations

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

Apparel accessories, such as hats, jewelry,
and umbrellas
Art Objects
Bakery Goods
Beverages (non alcoholic)
Dairy Products

Instruments for Scientific, Medical, Dental,
Engineering, and Other Professional
Purposes
Optical Instruments and Lens
Printed Matter
Signs

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

B. Use Listing

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

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

2.037.2 ACTIVITY TYPE - MANUFACTURING - INTERMEDIATE

A. Intent and Limitations

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

Cotton Seed Oil
Explosives
Fireworks
Organic Fertilizers

B. Use Listing

Subject to the general intent and limitations set out above for this type of manufacturing uses type of manufacturing use grouping all types of variations of

manufacturing activities and operations excepting the following shall be considered intermediate manufacturing.

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

2.037.3 ACTIVITY TYPE - MANUFACTURING - EXTENSIVE

A. Intent and Limitations

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

B. Use Listing

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

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

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

2.038 AGRICULTURAL AND EXTRACTIVE ACTIVITIES: CLASS AND TYPES

2.038.1 ACTIVITY TYPE - AGRICULTURAL ACTIVITIES

A. Intent and Limitations

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

B. Use Listing

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

2.038.2 ACTIVITY TYPE - CROP AND ANIMAL RAISING

A. Intent and Limitations

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

B. Use Listing

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

2.038.3 ACTIVITY TYPE - FEED LOTS AND STOCKYARDS

A. Intent and Limitations

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

B. Use Listing

Feed Lots
Stockyards

2.038.4 ACTIVITY TYPE - MINING AND QUARRYING

A. Intent and Limitations

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

B. Use Listing

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

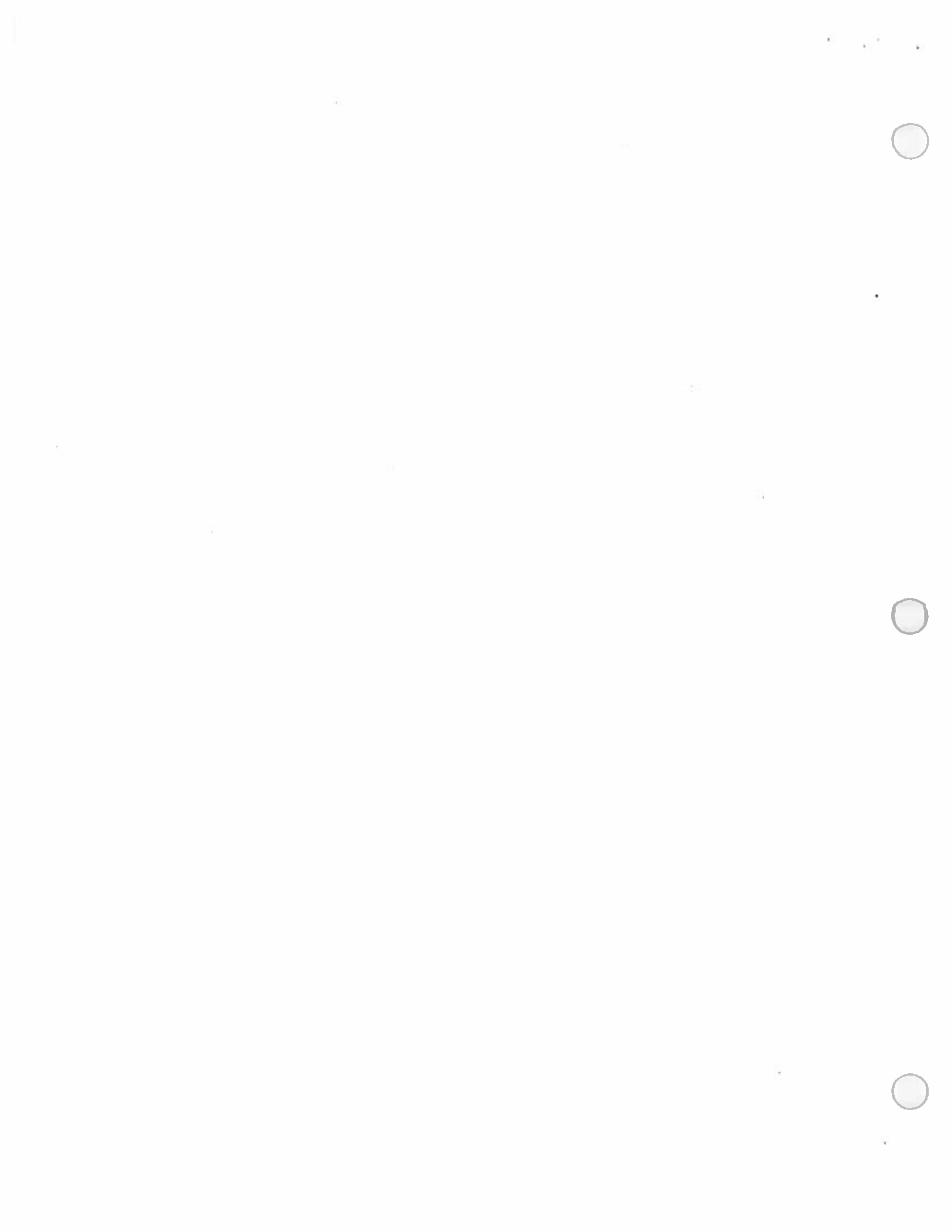
2.038.5 ACTIVITY TYPE - PLANT AND FOREST NURSERIES

A. Intent and Limitations

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

B. Use Listing

Forest Nursery
Plant Nursery



ARTICLE III
GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only one (1) principal structure on any residential lot
- 3.030 Lot must abut a public street
- 3.040 Rear yard abutting a public street
- 3.050 Corner lots
- 3.060 Future street lines
- 3.070 Reduction in lot area prohibited
- 3.080 Obstruction to vision at street intersection prohibited
- 3.090 Access control
- 3.100 Accessory use regulations
- 3.110 Buffer strips
- 3.120 Plot plan requirements
- 3.130 Solar orientation
- 3.140 Landscape treatment regulations
- 3.150 Standards pertaining to tree preservation and protection
- 3.160 Standards applying to steep slopes
- 3.170 Standards applying to slippage soils
- 3.180 Standards as apply to development near sinkholes
- 3.190 Performance standards regulations

3.010. Scope. For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the city as a whole.

3.020. Only one (1) principal structure on any residential lot. Only one (1) principal structure and its customary accessory building or structure may hereafter be erected on any residential lot. This provision does not prohibit planned development complexes as permitted under ARTICLE IV, Section 4.070 of this ordinance, multi-family dwellings, or mobile home parks.

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

- (1) such easement shall be at least fifty (50) in width throughout its entire length, and shall not be used to provide access to more than one (1) lot or tract of land.
- (2) no access to any lot fronting a public street shall be utilized as access to any other lot not having public street frontage by way of a publicly dedicated easement.

- (3) no easement shall exceed seven hundred (700) feet in length.
- (4) driveway on easement shall be constructed to minimize erosion or rapid deterioration.
- (5) the topography of the easement shall be kept to a minimum and must be able to provide true access to the property.
- (6) maintenance of the easement shall be the responsibility of the property owner(s).
- (7) all required utility easements shall be located outside the fifty (50) foot roadway easement.
- (8) any further subdividing on the easement shall require the development or building of a public road and meet all road standards and other requirements as stated in the Subdivision Regulations of Ashland City, Tennessee.

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

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

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

3.060. Future street lines. For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the rights-of-way as shown in the most current official Ashland City, Tennessee Major Thoroughfare Plan Map.

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

coterminous substandard lots in the same ownership, such lots shall be required to be combined in order to meet the minimum lot and area requirements of the applicable zoning district.

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

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

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

*See Illustrations in Appendix.

- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly onto a public street.

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

- A. Be customarily incidental to the principal use established on the same zone lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Not exceed forty (40) percent of the total square footage of the principal structure on any residential lot, not to exceed 600 square feet in size. If however, the subject property is at least two (2) acres in size, the Board of Zoning Appeals shall have the discretion to vary this requirement under the conditional use provisions of this ordinance. If freestanding, it shall be located in the rear yard in relation to the principal structure on any zone lot.
- F. Be located at least five (5) feet from any officially designated public utility and/or drainage easement.

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

adjacent to another multi-family dwelling or a planned development project. Furthermore, there shall be installed around the rear and sides of all drive-in restaurants, a five (5) foot wooden or metal, mesh fence designed to keep litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Planning Commission.

3.120. Plot plan requirements.

- A. Ten (10) copies of all proposals for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings in single ownership), shall be submitted to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the planning commission at a scale no smaller than 1"-50', showing contours at five (5) foot intervals; required automobile storage areas; sidewalks abutting all public streets; a graphic cross-section of any on-site paving that is required; servicing sewer and water utilities with reference to location, availability, compatibility, and easements; the location of servicing fire hydrants in relation to minimum locational standards, as well as in relation to possible impediments such as driveways, buildings, structures, and landscaping which may obstruct access for other fire apparatus equipment; loading and unloading spaces; maneuvering areas; openings for ingress and egress to public streets; the location of the centerline, the right(s)-of-way, and the edge of pavement of existing streets, as well as the location of existing curbing where applicable; the total square footage of all on-site paved area; the location of all on-site landscaping, and a tabular listing thereof as per Section 3.140; the enumeration by type and caliper size of endangered tree species and/or protected tree species along with a tabular listing and graphic layout of any required replacement and supplemental trees as regulated in Section 3.150 herein; the location of and tabular enumeration in terms of acreage of areas containing slippage soils, steep slopes, and sinkholes as regulated in Sections 3.160 - 3.180 herein; a proposed drainage plan; the density of development or the required open space; the number of stories (all residential and commercial structures three (3) or more stories in height must have their plans approved by the State Fire Marshall's Office); however, as of the present time, no structures over three (3) stories may be constructed within the community; the number of dwelling units per acre if applicable; all required building setbacks and other yard requirements; as well as a location map showing the relationship of the proposal to scale, to other development, land uses, and streets.

- B. Proposals for planned developments and mobile home parks shall follow separate provisions outlined in Article IV, Section 4.070 and 4.090 in this ordinance.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Ashland City Municipal Planning Commission.
- D. All plot plans shall be prepared and stamped by an individual licensed and certified by the State of Tennessee to perform such design service as is required above.
- E. Performance bonds or letters of credit for plot plans shall be provided according to the following provisions:
 - 1. All plot plans presented for review and approval to the Ashland City Municipal Planning Commission shall present the planning commission with a document indicating an intent to file a performance bond or letter of credit for improvements shown on the site in the amount of one hundred and ten (110) percent of cost of said improvements. Such document shall be approved by the city engineer, or other specified city employee. It shall specify the amount of such bond or letter of credit by specific type of on and or off-site improvements required, i.e., drainage requirements, landscaping, paving, utilities, etc.
 - 2. Said improvements shown on the plot plan may include, but are not limited to, existing road improvements, buffer strips, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, or any other improvements required by the planning commission before the plot plan is approved.
 - 3. The performance bond or letter of credit must be payable to the Ashland City Mayor and City Council.
 - 4. The performance bond or letter of credit shall be retained for a period of one year from the issuance of the building permit which pertains to the approved plot plan. However, if improvements have been made within the one year period, the Mayor and City Council may release the bond after the inspection of all required improvements, and approval of those improvements by the planning commission, or its authorized representative, the city engineer. If improvements have not been installed in a satisfactory manner, the Mayor and City Council of the Town of

Ashland City shall cash the performance bond or letter of credit to facilitate the completion of such improvements.

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

3.130. Solar orientation. Solar orientation devices shall be subject to all required front yard setbacks. If such devices are located in side yards they shall be no closer than ten (10) feet from side property lines. If such devices are located in any rear yard they shall be no closer than eight (8) feet from any side and rear property line. The use of solar/energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on an east/west axis to the greatest possible extent in order that all lots be oriented with their greatest dimension on a north/south axis. Whenever possible, lot orientation from the north/south axis should vary no more than 20 degrees from the north/south axis. There shall be no solar device within any portion of the required front yard.

3.140. Landscape treatment regulations.*

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

*See Illustrations in Appendix for guidance.

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

1. New Sites

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

2. Change of Use

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

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

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

Deciduous Trees (Trees which normally shed their leaves in the fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet, and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average

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

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

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

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

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

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

the planning commission, or the board of zoning appeals wherever additional parking is required by any application for a special exception.

D. Existing Landscaping Material:

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

E. Minimum and Maximum Area Standards:

The following general and specific area standards shall be met:

1. General Standard

For each one hundred (100) square feet, or portion thereof, of vehicular use area, five (5) square feet of landscaped area shall be provided.

2. Specific Standards:

a. Area

The minimum individual landscaped area permitted shall be sixty-four (64) square feet, with a four (4) foot minimum dimension to all trees from the edge of the pavement. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than three hundred-fifty (350) square feet in vehicular use areas under thirty thousand (30,000) square feet in size, and no required area shall be larger than fifteen hundred (1,500) square feet in vehicular use areas over thirty thousand (30,000) square feet. In both cases,

the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where there is a vehicle overhang.

b. Trees

A minimum of one (1) tree shall be required for each two hundred-fifty (250) square feet or fraction thereof of required landscaped area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.

F. Landscape Treatment Plan:

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

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

G. Enforcement:

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

1. Surety Instrument

The landscaping plan as submitted and approved shall be secured by a letter of credit made payable to the city in an amount equal to the estimated cost of the landscaping plus ten (10) percent, at the time of the issuance of a building permit whenever plot plan approval is involved, or at time of the issuance of an occupancy permit whenever a special exception is involved, or at the time of the issuance of an occupancy permit whenever a change in use is involved. The period within which all required landscaping improvements must be completed shall not exceed one (1) year, at which time said letter of credit shall be

called to complete the approved landscaping plan, if such improvements have not been properly completed. However, at the planning commission's discretion, such letter of credit may be extended for a period not to exceed six (6) months. If this is done an additional five (5) percent of the cost of securing all necessary improvements must be figured into the newly reanalyzed letter of credit. At the end of this period of time, said letter of credit shall be called to facilitate all required improvements if such have not been already completed. Said letter of credit shall be obtained solely from commercial banks and federally chartered savings and loan associations located in Cheatham or Davidson County.

2. Building Permit and Certificate of Occupancy

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

H. Maintenance:

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

3.150. Standards pertaining to tree preservation and protection.

- 3.150.1. The purpose of this section is to promote the health, safety, and public welfare within the Town of Ashland City through the maintenance and protection of existing trees that are hereby deemed to constitute either unique and virtually unreplaceable natural features, and/or aesthetic and/or historical treasures.
- 3.150.2. The nominal standards promulgated herein are established in order: to promote the lessening of air pollution, to promote clear air quality by increasing vegetative air filtration, to reduce noise, heat, glare, and minimize flooding, and to increase the ambiance of the community while protecting values throughout the town.
- 3.150.3. Definitions. Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this ordinance.
- (a) Adjusted Caliper Inches (ACI) - The number value resulting in the multiplication of the Tree Value Factor times the actual measured Caliper Inches of trees in each Category of trees that are protected (see definition).
 - (b) Category I Trees - Broad-leaf evergreen overstory, select hardwoods, and endangered species - Trees Value Factor = 1.0.
 - (c) Category II Trees - Some deciduous overstory hardwoods, selected cone-bearing evergreens, broad-leaf evergreen understory - Tree Value Factor = 0.75.
 - (d) Category III Trees - Some deciduous overstory hardwoods, some cone-bearing evergreens - Trees Value Factor = 0.5.
 - (e) Caliper Inches - For trees larger than four inches (4"), the quantity in inches of the diameter of a tree measured one foot (1') above the ground. For trees smaller than four inches (4"), the quantity in inches of the diameter of a tree measured six inches (6") above the ground.
 - (f) Conifer Tree - Any tree with needle leaves and a woody cone fruit.

- (g) Deciduous Tree - Any tree which sheds its leaves in the fall or winter.
- (h) Drip Line - A vertical line extending from the outermost portion of a tree to the ground.
- (i) Endangered species - Those trees which are under the protection of State and/or Federal law.
- (j) Evergreen - Those trees, including broad-leaf and conifer trees, that maintain their leaves year round.
- (k) Line Clearance - Removal of limbs and branches within a set distance of utility lines.
- (l) Non-development Activity - Any alteration of the natural environment which does not require development or plot plan approval, but which would include the proposed removal or destruction of any tree affected by this ordinance.
- (m) Private Tree - Any tree in an area owned by a private individual, business, company, industry, or institution, or in any area not owned by a governmental entity.
- (n) Protected Tree - Any tree in Category I which is six caliper inches (6") or larger, any tree in Category II which is ten caliper inches (10") or larger, and any tree in Category III which is eighteen caliper inches (18") or larger, as listed as attached hereto.
- (o) Pruning - Selective removal of the upper portions of any tree, taking into account the natural shape and structure of the tree.
- (p) Public Tree - Any tree in an area owned by a governmental entity.
- (q) Replacement Tree - Any tree being planted on a site to replace a tree which has been removed or destroyed for any reason.

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

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

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

3.150.5 Tree Planting.

- (a) Public Trees. Tree planting shall be undertaken by the city in all public areas in a systematic manner to assure diversity of age, classes, and species. Areas to be planted, density, appropriate species, and other aspects of the planting function shall be determined by the Tree Committee.
- (b) Private Trees. Planting of trees on private property is encouraged, especially in areas where the public may have an extraordinary interest. The Tree Committee will make every effort to provide information about species, planting techniques, and placement guidelines when requested by residents.
- (c) Replacement Trees. The Planning Commission shall in the normal course of its approval process, require the planting of public trees or private trees to replace historic, unique, and/or endangered trees which have been removed, destroyed, or severely damaged during the course of development or construction, except that in no case shall replacement trees be required in excess of the Minimum ACI Density established in 3.150.7(b) of this ordinance.
- (c) Supplemental Trees. The Planning Commission shall in the normal course of its approval process, require the planting of public trees or private trees to supplement historic, unique, and endangered trees on any site proposed for development, except that in no case shall supplemental trees be required in excess of the Minimum ACI Density established in 3.150.7(b) of this ordinance.
- (c) Prohibited Plantings. It shall be unlawful for any person to plant trees as follows:
 - (1) Within any designated or recorded sewer or water easements: Any species prone to clogging water or sewer lines with roots, including, but not limited to: Poplar, Boxelder, Silver Maple, American Elm, Catalpa, Siberian Elm, Cottonwood, Black Walnut, and Weeping Willow.
 - (2) Within any recorded or proposed easement for overhead electric or telephone lines: Any species known to reach a mature height greater than twenty (20) feet.
 - (3) On any public lands: Any species known to be undesirable, weak, short-lived, disease prone, or to belong to an overpopulation of its species, including, but not limited to: Boxelder (female, Silver Maple, Hackberry, American Elm, Osage Orange (female) and Cottonwood (except hybrids).

3.150.6 Tree Protection

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

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

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

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

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

3.150.7 Development Activities

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

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

- (2) Request that the site plan be altered so as to preserve any protected tree(s).
- (3) Request that developer transplant any protected tree(s) to another location on the site.

(b) Post Development ACI Density

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

<u>Land Use</u>	<u>Adjusted caliper inches at time of planting</u>
Residential (total diameter required on each residential lot)	8"/lot
Service and Institutional Office	20"/acre
Retail	20"/acre
Industrial	30"/acre
	35"/acre

Total Tree Diameters Required for Various Types of Land Uses*

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

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

3.150.8 Tree Equivalency Table.

Category I

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

Category II

Bitternut Hickory
Pignut Hickory
Shellbark Hickory
Shagbark Hickory
Mockernut Hickory
Butternut
Shingle Oak
Bur oak
Blackjack Oak
Chinkapin Oak
Post Oak
Black Oak
Weeping Willow
River Birch
European White Birch
Eastern Hophornbeam
Sweetgum

London Planetree
Sycamore
Eastern Redbud
Yellowwood
Horse Chestnut
Yellow Buckeye
Chinese Parasol Tree
Mountain Laurel
Sourwood
White Ash
Green Ash
Blue Ash
White Pine

Category III

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

3.150.9 Average Tree Valuation Schedule

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

3.150.10 Normal Maintenance and Pruning. Nothing in this section shall be construed in any way to prohibit or discourage the normal maintenance or pruning of trees throughout the community. Proper pruning with branch removal at branch or trunk

junctions is required for all private trees. The practice of tree topping is prohibited on public trees and strongly discouraged on private trees, unless there will otherwise be potentially dangerous conditions created in relation to high voltage electric lines, etc.

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

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

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

3.170. Standards applying to slippage soils.

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

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

1. The developer shall hire a qualified soil scientist to identify all areas of Delrose Soil present on the subject property, whenever Cheatham County soils maps indicate the presence of Delrose Soils on such property. The soil scientist shall determine the extent and depth of soil on the site.

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

3.180. Standards as apply to development near sinkholes.

- A. Designation. These features are formed from the action of rain, stormwater runoff, and group water on limestone STRATA (see the definition of sinkhole in the definition section of this ordinance). Sinkholes have the potential to become larger in terms of both area and depth.
- B. Protection Level. One hundred (100) percent of the sinkhole shall be protected as permanent open space.
- C. Design Standards. The following standards apply to all types of sinkholes as defined in this ordinance:
 1. The natural runoff rate to sinkholes shall be maintained or reduced. Additional runoff generated by development in the watershed of a sinkhole shall be retained and redirected to surface runoff channels.
 2. During construction, all swales leading to a sinkhole(s) shall have effective sedimentation barriers erected to prevent sedimentation from reaching said sinkhole(s).

3.190. Performance standards regulations. The purpose of this section is to establish regulations and standards for the installation and operation of industrial, commercial, community facility uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted.

In all districts, as indicated in each respective district, any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this Title, the applicable performance standards shall apply to such extended, enlarged, or reconstructed portion or portions of such use of building or other structure.

The provisions of this chapter shall apply notwithstanding the issuance after the effective date of this ordinance of any zoning permit or use and occupancy permit.

Performance standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the time, or on the public right-of-way or easement for a community facility activity.

In the case of any conflict between the activity type and the performance standards, the latter shall control. In the case of any conflict between the performance standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

The following performance standards' regulations shall apply to all uses of property in all zoning districts, except where otherwise stated herein. If in the opinion of the planning commission there is question as to whether an existing or proposed land use is in violation of the following performance standards, it shall be the responsibility of the property owner and/or person (as defined herein) in question to provide beyond a doubt that such usage is in compliance with the applicable performance standard(s).

3.190.1 Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely effect the surrounding area.

3.190.2 Performance Standards Regulating Noise

At no point on or beyond the boundary of any lot which abuts a lot in the same district, shall the sound pressure level resulting from any use or activity, whether open or enclosed, exceed the maximum permitted decibel levels for the designated octave band as set forth in the table below:

Octave Band, Frequency In Cycles Per Second	Sound Pressure Level in Decibels
0-74	79
75-149	74
150-299	66
300-599	59
600-1,199	53
1,200-2,300	47
2,400-4,799	41
4,800 and over	39

Where any C-1, C-2, C-3, I-1, I-2, or I-3 District adjoins a district permitting residences, the maximum permitted decibel levels at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level in the table.

3.190.3 Performance Standards Regulating Vibration

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the zone lot line of the zone lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted through the earth and impact vibration which is an earthborne vibration produced by two or more objects (or parts of a machine) striking each other.

3.190.4 Performance Standards Regulating Smoke

No emission shall be permitted at any point from any stack, chimney, or other source of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 1 except as provided below:

Within the I-3 District, the emission of smoke or visible effluent of a shade equal to Ringlemann No. 2 may be permitted for six (6) minutes in any four (4) hour period.

Within the I-3 District, the emission of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 2 shall not be permitted, except that visible gray smoke of shade equal to Ringlemann No. 3 may be permitted for three (3) minutes in any one (1) hour period.

3.190.5 Performance Standards Regulating Gases, Dust, and Particulate Matter

No emission shall be permitted from any stack, chimney, or other source of any solid or liquid particles in concentrations exceeding 0.30 grains per cubic foot of the conveying gas at any point. This standard shall apply unless it is superseded by current E.P.A. standards, which in such a case shall become applicable. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. In no case shall any emission be permitted which will cause any damage to health, animals, vegetation, or other forms of property or which can cause soiling at any point beyond the zone lot line on which the source is situated.

3.190.6 Performance Standards Regulating Odors

Odorous matter released from any operation shall not exceed the lowest concentration which will produce an olfactory response in a person beyond the zone lot line.

3.190.7 Performance Standards Regulating Toxic Matter

No emission which would be demonstrably injurious to human health, animals, or plant life at or beyond the zone lot line will be permitted. Where an industrial use could produce such emission at a result of accident or equipment malfunction, adequate safeguards considered standard for safe operation in the industry involved shall be taken.

3.190.8 Performance Standards Regulating Fire and Explosive Hazards

The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning may be permitted, but only if said materials or products are stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior and protected throughout by an automatic fire extinguishing system.

All activities involving the use and/or storage and/or disposal of all types of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and device standard to the industry involved.

Outdoor storage of any such materials shall be no less than forty (40) feet from all zone lot lines.

3.190.9 Performance Standards Regulating Glare and Heat

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line, except during the period of construction of the facilities to be used and occupied.

3.190.10 Performance Standards Regulating Electromagnetic Interference

In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across zone lot lines.

3.190.11 Performance Standards Regulating Radioactive Materials

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

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

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

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

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

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

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established.* One (1) vehicle space shall be two hundred (200) square feet in size (10 feet x 20 feet), except for the requisite number of handicapped spaces which shall be located as close to the front door as possible and shall be no smaller than ten (10) feet by twelve feet and six inches (12'6") and meet all applicable local codes. All parking spaces shall be provided with vehicular access to a public street or alley. The required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the land use(s) they service. This shall generally mean that each parking space serving a particular dwelling unit shall be no more than sixty (60) feet away from the front door of said dwelling unit. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. Unless authorized elsewhere in this ordinance, parking requirements satisfying any particular land use shall not be used to satisfy the parking requirements of any other land use. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

4.010.1 Number of Parking Spaces Required

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

4.010.1.A. Residential Activities

(1) Permanent

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

Two (2) spaces per dwelling unit.

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

Two (2) spaces per dwelling unit.

*See Illustration in Appendix.

(c) Mobile Homes:

Two (2) spaces per mobile home.

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

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

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

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

(2) Semi-Permanent

(a) Boarding or Rooming House:

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

4.010.1.B. Community Facilities Activities

Activity Type

Unit of Measurement

Administrative
and Government

One (1) space for each three hundred (300) square feet of gross floor area, plus one (1) for each three (3) employees.

Community Assembly

One (1) space for each two (2) seats or one-half (1/2) of capacity in persons whichever is greater.

Educational Facilities

Kindergarten and Nursery: One (1) space for each employee plus one (1) space for each four (4) students.

Elementary and Middle Schools, Grades 1-7: Two (2) spaces for each classroom or one (1) space for each five (5) seats in the auditorium or one (1) space for each four (4) students, teachers, and employees, whichever is greater.

High School, Grades 8-12: Four (4) spaces for each classroom or one (1) space for each given five (5) seats in the auditorium or one (1) space for each two (2) students, teachers, and employees, whichever is greater.

Vocational or Trade Schools: One (1) space for each one thousand (1,000) square feet of gross floor area, plus one (1) space for each four and a half (4.5) seats in any associated auditorium.

Cultural and Recreation
Services and Facilities

Art Galleries, Libraries, Museums, Zoological and Botanical Gardens, Planetariums and Aquariums: One (1) space for each eight hundred (800) square feet of gross floor area.

Swimming Pools: Thirty (30) percent of capacity.

Parks, Playgrounds and Playfields: Ten (10) spaces for each acre of land devoted to recreation, plus one (1) space for each four (4) spectator seats.

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

Extensive Impact
Type Facilities
and Land Uses

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

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

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

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

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

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

Health Care Facilities

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

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

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

Intermediate Impact Type Facilities and Land Uses

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

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

Special Personal and
Group Care Type
Facilities and Land
Uses

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

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

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

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

Religious Facilities

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

4.010.1.C. Commercial Activities

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

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

<u>ACTIVITY TYPE</u>	<u>GROSS FLOOR AREA (Square Feet) PER PARKING SPACE</u>
(a) Animal Care & Veterinarian Services	300
(b) Retail Trade - Apparel and Accessories	250
(c) Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental, and Delivery	25% of the gross lot area shall be allocated to parking.
(d) Automotive Service and Repair	300

(e)	Building Materials & Farm Equipment Sales	1,000
(f)	Contract Construction Sales	500
(g)	Contract Construction Services	300
(h)	Convenience Retail Sales and Services	150
(i)	Equipment Repair Services	500
(j)	Entertainment and Amusement Services:	
	Art Galleries (Commercial)	400
	Motion Picture Theaters	One (1) space per four (4) seats.
	Theaters (Legitimate)	One (1) space per each four (4) permanent seats plus one (1) for every twenty-five (25) square feet of area where temporary seats are used.
	Bowling Alleys and Billiard Parlors	Five (5) spaces per each alley, or every two (2) pool tables whichever is applicable.
	Coin Operated Amusement or Arcade	One (1) space per 250
	Commercial Sporting Facilities	One (1) space per employee plus other spaces as determined by the planning commission.
	Dance Halls, Studios and Schools, and Skating Rinks	100

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

(p)	General Business Communications Services	400 plus one (1) per each employee.
(q)	Communications Services	300
(r)	General Personal Services Funeral and Crematory Services	One (1) space per (100) square feet of gross floor area or where a chapel is provided, one (1) space for each four (4) seats, plus one (1) space for every twenty- five (25) square feet of floor area where temporary seats are used which ever require the greater number of spaces.
	All Others Personal Services	300
(s)	General Retail Trade Department Store Variety Store Misc. General Merchandise Store	250
(t)	Group Assembly	One (1) space per four (4) permanent seats plus one (1) spaces for every twenty-five square feet of area where temporary seats are used.
(u)	Professional Services - Medical	300
(v)	Professional Services - Non-Medical	400

(w) Transient Habitation
(Motels and Hotels)

One (1) space per
lodging unit in
each building
serving transient
guests.

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

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

SHOPPING CENTERS

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

ALL OFFICE COMPLEXES

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

4.010.1.D. Manufacturing and Industrial Activities

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

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

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

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

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

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

Agricultural Services

One (1) space for each employee, and for veterinary services, one (1) space for each three hundred (300) square feet of gross floor area.

Commercial Feed Lots
and Stockyards

As determined by the planning commission.

Mining, Drilling, and
Quarrying

One and one-half (1 1/2) spaces for each employee.

Plant and Forest
Nurseries

Five (5) spaces,
plus one (1) space
for each employee
and one (1) space
for each five (5)
acres.

4.010.1.F. Other Land Uses

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

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

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

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

4.010.1.H. Requirement for design of parking lots.*

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back onto a public street to obtain egress.
- B. Each parking space shall be no less than two hundred (200) square feet in area. All parking and loading spaces must be clearly marked.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090 of this ordinance.

*See Illustration in Appendix.

- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water on and off the site, as well as to prevent the release of siltation off the site.
- E. There shall be a parking aisle at least 24 feet wide serving all 90 degree and 60 degree angled parking spaces. For all 30 and 45 degree angled parking spaces there shall be a minimum parking aisle of 18 feet in width. For parallel parking spaces there shall be a minimum parking aisle of 12 feet.
- F. All off-street parking areas (parking spaces, ingress-egress areas, parking aisles, etc.) shall be surfaced with asphalt, concrete, or other type of impervious surface capable of withholding the traffic load as deemed acceptable by the planning commission. (See definition of dust free surface).
- G. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.
- H. Handicapped parking spaces must be made conveniently available according to accepted standards (ADA requirements).

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

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

Off-street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 sq. ft.	One (1) space
Over 40,000 sq. ft. to 100,000 sq. ft.	Two (2) spaces
Each additional 1000,000 sq. ft. or major fraction thereof	One (1) additional space

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 which are non-permanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, to determine yard requirements, setbacks, sanitary facilities, and parking spaces for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow, and to the regulations of any district in which such use is located:

- A. Carnival or Circus: May obtain a Temporary Use Permit in the C-2, I-1 or I-2 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided, only after a licensed mechanical engineer officially certifies in writing that all pertinent rides are safe.
- B. Christmas Tree Sale: May obtain a thirty (30) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.
- C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings: In any district, except the C-1, Central Business District, a temporary structure may be permitted to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

E. Temporary Dwelling Unit In Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Ashland City Utilities System and the Cheatham County Health Department when applicable, approving the water supply and sewerage disposal systems of the temporary structure. Such a permit may be initially issued for six (6) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

4.040. Customary incidental home occupations. A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, as well as barber, as well as beauty, and tailor shops), conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.

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

4.050. Fall-out shelter restrictions. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard

setback requirements to permit construction of joint shelters by two or more property owners, provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

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

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

4.070. Planned development regulations. The purpose and intent of this section is to encourage the total planning of tracts of land consistent with the long-range general comprehensive plan of the city, encourage innovations in design and the application of sound design principles, provide a framework within which an effective relationship of different land uses and activities can be planned on a total basis, provide a harmonious relationship with surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities, and provide a means of developing areas of physiographic or other physical features to enhance natural beauty and other attributes. This section shall only be used for planned developments upon determination by the Board of Zoning Appeals that the proposed development is in harmony with the purpose and intent as stipulated. Planned developments are permitted only as special exceptions after review by the Board.

4.071. General provisions. The following general provisions apply to all planned developments.

- A. Ownership and Division of Land: No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a planned unit development, the

landowner of an adopted planned unit development may divide and transfer parts of such development. The transferee shall complete each such unit, and use and maintain it in strict conformance with the adopted final master development plan.

- B. Relationship to Subdivision Regulations: The uniqueness of each proposal for a planned development may require that there be modification from the specifications established in the subdivision regulations adopted by the Ashland City Municipal Planning Commission. Modifications may be incorporated only with the approval of the Planning Commission.

C Common Open Space and/or Dedicated Cross-Easements:

1. In all planned developments there shall be a dedication of land for developed common open space and if required by the Board of Zoning Appeals dedicated cross-easements for joint access to fee-simple properties. Easements for the provision of servicing utilities to fee-simple properties may also be required by the Board.
2. The location, shape, site, and character of the common open space shall be reviewed in detail.
3. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
4. Common open space must be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition. Acceptable examples of improved or developed open space are: tennis courts; playfields; playgrounds; soccer, football, baseball and softball fields; picnic shelters; golf courses; picnic tables; improved walking and jogging trails, etc. The minimum developed (suitably improved) recreation area (the developed recreation area per the total floor area within the project) shall be no less than a ratio of .14.

5. The use and improvements of common open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within close proximity to the perimeter of the planned development.
6. All land shown on the final development plan as common open space, when not retained by the developer, must be conveyed under one of the following options:
 - (a) It may be conveyed to a public agency which will agree to maintain the common open space and any building, structures, or improvements which have been placed on it.
 - (b) It may be conveyed to a trustee(s) provided in a deed of record which establishes an association of similar organization for the maintenance of the planned development. The common open space may be conveyed to the trustees subject to the approval of the Board of Zoning Appeals which will result in the restriction of the common open space to the uses specified on the final development plan, and which will provide for the maintenance of the common open space in a manner which assures its intended purpose.
7. Prior to the approval of the master deed of the project which shall contain restrictions and covenants pertaining to the maintenance of all improvements within the planned development, and may as well contain the necessary legal documentation establishing a homeowners association, it shall be the responsibility of the city attorney to review this information in terms of forms and content.
8. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use authorized may be considered as a waiver of enforcement.
9. The developer or any organization established for the ownership and maintenance of any common open space shall not dispose of any common open space by sale or otherwise (except to an organization established to own and maintain the common open space) without first offering to dedicate the same to the city. Said dedication must be approved by the Board of Zoning Appeals and accepted by the Ashland Mayor and Town Council.