

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 withstanding 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.

10. In the event that the developer or the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master development plan and associated deed covenants and restrictions, the Building Inspector may serve written notice upon such organization and/or the owners or residents of the planned development. If deficiencies or maintenance are not corrected after thirty (30) days, the Building Inspector shall call upon any public or private agency to maintain the common open space. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned development that have a right of enjoyment of the common open space, and shall become a lien on said properties.

D. Public Sewer and Water Service Required: Under no circumstance shall any Planned Development be approved which is not served by public sewers, as well as by public water.

4.072. Applicable Zoning Districts and Minimum Size. The following table depicts those zoning districts in which planned developments are permitted, as well as established acreage requirements. The minimum size of a planned development is as follows:

Minimum Area (Acres)	District						
	R-2	R-3	R-4	C-2	I-1	I-2	I-3
None							
1/2				x			
10	x	x	x				
5					x	x	x

4.073. Types of planned developments. Planned developments shall consist of two (2) types. These are as follows:

A. Single Purpose Planned Development.

A single purpose planned development is one which shall consist primarily of one (1) principal use or activity. The principal use or activity may be either residential, or commercial, or industrial in nature.

B. Mixed Purpose Planned Development:

A mixed purpose planned development is one which shall consist primarily of two (2) principal uses or activities. The principal uses or activities may be either residential and commercial, or industrial and commercial in nature.

4.074. Permitted activities and uses. Any activity or use that is allowed in the zoning district where the planned development is located shall be permitted by the planning commission as part of that planned development, assuming the net and gross square footage (density) requirements as cited herein, and the requirements within the zoning district involved are achieved. The following uses, which are not normally permitted in the district where the planned development is located, may, however, be permitted by the Board of Zoning Appeals provided such uses are desirable or convenient for the users of the planned development as it is developed or the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. However, in no case shall any of such uses constitute the entire planned development project, or a majority of the proposed development project.

Use or Activity	Zoning District						
	R-2	R-3	R-4	C-2	I-1	I-2	I-3
Townhouse		X		X			
Apartment		X		X			
Convenience Services					X	X	X
Financial, consulting, and administrative services					X	X	X
Medical service	X	X	X	X	X	X	X
Common public and private open space	X	X	X	X	X	X	X
Recreation and assembly facilities				X	X	X	X

4.075. Limitations on commercial activities in planned developments. The commercial activities allowed in a single purpose residential planned development shall be permitted provided that such activities shall not exceed in the aggregate more than five (5) percent of the total floor area in such development, and provided further that the maximum floor area devoted to such activities by any single establishment shall be 3,000 square feet. Such commercial uses shall be located within the interior of the development and shall be designed to primarily serve the needs of persons located within the project.

4.076. Obstructions, height regulations, accessory structures, customary home occupations, off-street parking and sign control. All structures and facilities within a planned development shall conform to the requirements governing these items as specified in the regulation(s) pertaining to the appropriate district(s) within which it is located.

4.077. Overall densities and lot coverage for residential activities in planned developments. The maximum overall densities and lot coverage's for residential activities shall be in terms of the number of dwelling units per gross acre and in terms of the required open space of all areas within a development, as provided herein.

- A. Maximum density or lot coverage for any residential component shall not exceed the maximum density or lot coverage permitted in the zone district where the planned development is located. In computing the maximum allowable density as stated within the applicable zoning district provision, 25 percent of the allowable figure shall be subtracted from the total available project acreage for servicing streets, and street rights-of-way as applicable, regardless of how much land is actually utilized for servicing streets, or street rights-of-way. Also, any land lying in a regulatory floodplain (a 100 year flood zone), as well as any land containing topographic slopes of 25 percent or more shall not be utilized in the computation of the allowable net density of development within the total acreage within the planned development project, nor in the computation of land therein reserved for developed open space.
- B. Density increases over and above the permitted net densities cited herein may be granted by the Board of Zoning Appeals and shall be governed by the precepts listed below, each of which is to be treated as additive and not compound.
 1. For underground utilities, a maximum increase of ten (10) percent.

2. For highly developed or improved common open space, a maximum increase of five (5) percent. The Board shall have the prerogative to determine if this item is being satisfied.
 3. For the significant preservation of natural, historic or archaeological features, a maximum of five (5) percent. The Board shall have the right to decide if this item is being satisfied.
- C. Further reductions in the permitted maximum density may be required by the Board of Zoning Appeals if it is determined that such reduction is warranted by the following conditions:
1. Inconvenient or unsafe access of the planned development.
 2. Traffic congestion for streets adjoining the development.
 3. An excessive burden imposed on parks, recreational areas, schools and other public facilities which serve or are proposed to serve the development.

4.078. Minimum lot area, frontage requirements, and other supplemental requirements within a planned development. No minimum lot size or yards shall be required within a planned development, except that frontage on dedicated public roads shall observe front yard requirements in accordance with the zoning classification where the development is located as well as all the requirements of the Major Thoroughfare Plan, if applicable, and peripheral yards abutting the exterior limits of the planned development boundary (except for boundaries delineated in or by water) shall observe yard requirements in accordance with the zoning classification in which the development is located, or as cited herein in Section 4.079.B. according to whichever is most restrictive. Every dwelling unit or other permitted use in the planned development shall have access to a public road or street either directly or via an approved private road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a public dedicated road or street.

- 4.078.1 Mobile Homes not allowed in Planned Developments. No mobile homes shall be allowed to be placed in any planned development project.

4.078.2 Other Developmental Requirements Pertaining to Zero Lot Line Developments within Planned Developments

1. The side yard setback may be zero on any parcel provided that the parcel adjacent to that side yard is held under the same ownership at the time of initial construction.
2. No zero side yard shall be adjacent to any public or private right-of-way, nor shall it be adjacent to any parcel of land not being approved by the Board of Zoning Appeals for a planned development.
3. No portion of a dwelling or architectural features of a structure shall project over any property line.
4. Where the same interior property line is utilized for the zero side yard construction of any dividing structure, such dividing structure shall consist of double walls separated by a minimum air space of two (2) inches.
5. Where the same interior property line is utilized for the construction of any zero side yard structure, all the provisions of the Standard Building Code shall be met, and all such fire walls shall have a rating as required by the Standard Fire Protection Code and the State Fire Marshall's Office.
6. All residential structures must contain a fire wall between the various dwelling units, extending from the footing to the underside of the roof deck without openings which would permit the spread of fire. Such wall shall not have less than two hours fire rating. The fire wall must be bisected by a line dividing each dwelling unit so that one-half of the fire wall is on each parcel.

4.079. Building Spacing, Setback Requirements, and Administrative requirements.

- A. Minimum Building Spacing: Space between buildings shall be a minimum of twenty-four (24) feet for single story buildings, and a minimum of thirty (30) feet for two story buildings, with a minimum of five (5) additional feet required per each additional story above two story buildings. In the case of a conflict between these regulations and the provisions of the Standard Fire Protection Code, the most restrictive shall govern.

- B. Minimum Distance to Side and Rear Property Line: The minimum distance between the building and the side and/or rear property line shall be thirty (30) feet, with a minimum of five (5) additional feet required per each additional story above two story buildings.

4.079.1 Perimeter requirements. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned development, the planning commission or the board of zoning appeals may impose either of the following requirements:

- A. Structures located on the perimeter of the planned development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses, if applicable. These requirements may supersede the standard cited in Section 4.079 above.
- B. Structures located on the perimeter of the planned development must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. Such screening or buffering shall at a minimum be 10 feet wide. It shall consist of planting of one row of evergreen trees no smaller than 5 feet in height at the time of planting spaced no further than 20 feet apart, with two staggered rows of evergreen bushes located no further than 5 feet apart, which shall grow to a height of 5 feet in one full growing season.

4.079.2 Administrative procedure.

A. Outline Development Plan:

1. The developer shall make a request to construct a planned development within one of the allowable districts as cited in Subsection 4.072, to the building inspector. At his option, the developer may accompany his request with an outline development plan specified in this section. If no outline development plan is filed with the request, the developer shall submit a preliminary development plan as outlined in the following section.
2. An outline development plan consists of both maps and a written statement.
 - (a) The maps may be in a general schematic form, but must contain the following information
 - (1) The total acreage of the site.

- (2) The existing topographic character of the land at no less than five (5) foot contour intervals.
- (3) Existing and proposed land uses and the approximate density of the existing dwellings. This information should be presented in a tabular form. It should contain a listing of the various criteria for calculating allowable densities (the number of dwelling units per acre) as stipulated in Subsection 4.077A. and B., i.e., a subtraction of 25 percent of the gross allowable density for interior streets, a notation of any acreage within the development having topographic slopes of 25 percent or more which cannot be utilized in the calculation of maximum allowable densities, and a tabular breakdown any applicable density bonuses as are allowed within the pre-cited Subsections. Please note that the various restrictions cited in Article III pertaining to steep slopes, sinkhole areas, and slippage soils must be examined, if applicable, in arriving at the tabular calculation of allowable densities (useable or developable project acreage).
- (4) The approximate location of any road shown on the major thoroughfare plan, as well as the required dedication of prospective, planned street right(s)-of-way as shown thereon.
- (5) Public uses, including schools, parks, play areas, and other open spaces, both existing and proposed.
- (6) A location map showing the relationship of the project to all surrounding streets at no smaller scale than 1"-1,000'.

(b) The written statement to accompany the outline development plan must contain the following information.

(1) A statement of the present ownership of the land included with the proposed development scheme.

(2) A general indication of the expected schedule of the development.

3. Within forty-five (45) days after the filing of the outline plan, the staff shall forward the plan to the Board of Zoning Appeals with a written report stating any deficiencies therein, recommended revisions thereof, as well as a recommendation of what must be modified to obtain either a conditional approval thereof, approval, or if the plan should be denied to the various enumerated deficiencies.

4. The Board of Zoning Appeals will act on the recommendation by the technical review staff, and the procedure specified for special exceptions in SECTION 7.060 of this ordinance shall be followed. However, no building permits will be issued on land within the planned development until outline, preliminary, and final development plans for the project have been reviewed and approved by the Board of Zoning Appeals, and preliminary plat constructions plans and associated final plat have been approved by the planning commission.

B. Preliminary Development Plan:

1. If an outline development plan has been submitted and approved, the Board shall review the submission of a preliminary development plan as a whole. If a preliminary development plan has not been submitted within three (3) months following the approval of the outline development plan, the Board may withdraw its approval of the outline development plan. In its discretion and for good cause, the Board may extend for three (3) months the period for the filing of the preliminary development plan.

2. The preliminary development plan must include all of the following information, plus all the information depicted in Subsection A.(a) and (b) as cited above within the outline development plan:
- (a) Signed and stamped certifications placed on the plan, attesting to the fact that the services of at least two (2) of the following professionals were utilized in the design, layout and planning of the planned development project: (1) a practicing landscape architect licensed by the State of Tennessee, (2) a practicing civil engineer licensed by the State of Tennessee, and/or (3) practicing architect licensed by the State of Tennessee.
 - (b) A map showing street systems, lot lines, lot designs, and existing field surveyed topographic characteristics (contours at no less than five (5) foot intervals) shall be depicted, unless the average slope is five percent or less, in which case contours shall be depicted at two (2) foot intervals.
 - (c) Areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, football fields, soccer fields, picnic shelters and tables, parcourse exercise courses, tennis courts, developed walking trails, swimming pools, recreation buildings, supporting commercial areas, similar public and semi-public uses. The percentage of developed or suitably improved recreation area (the developed recreation area per the total floor area within the project) as listed herein shall be noted in tabular form, as required in Section 4.071.C.4.
 - (d) Easements reserved for all servicing utilities and underground structures.
 - (e) A site plan for each building site and common open area, showing the approximate location and dimensions of all buildings, structures, and improvements, the square footage of each dwelling unit, and proposed

buildings, and an indication of the open space around buildings and structures.

- (f) Elevation and perspective drawings of all proposed structures and improvements. The drawings need not be the results of final architectural decisions and need not be in detail.
- (g) A development schedule indicating; (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (3) the anticipated rate of development; (4) the approximate dates when the development of each of the stages in the development will be completed; and (5) the area and location of common open space that will be provided at each stage, as well as a tabular listing of the approvable open space within each stage in terms of acreage figures, as specified in Subsection 4.077 herein. Please note that it is the developer's responsibility to coordinate his or her developmental or staging schedule in relation to the maximum period of time a surety instrument can be held by the Town, as applies to any prescribed stage of development via the process of subdividing said stage.
- (h) An off-street parking and loading plan.
- (i) An estimation of the population and density and extent of activities to be allocated to parts of the project.
- (j) The general means of the disposition of storm water if the entire project is to be developed at the time of final development plan approval in a single stage. If the planned development project is to be developed in separate stages, detailed information pertaining to the disposition of stormwater shall

be submitted to the extent that each prospective stage of development may be adequately related to the entirety of the project.

- (k) A tabulation of the land area to be devoted to various uses and activities and overall densities (see Subsection 4.079.2.A.2(a)(3) for a more detailed explanation hereof).
- (l) The location and size of all servicing water and sewer lines, as well as the location of all proposed fire hydrants. Please note that the design standards as enumerated within the Town's Subdivision Regulations constitute minimum developmental standards for the installation of utilities. Standards dictated by the Town's Design Criteria cited in the Standard Fire Protection Code shall be met when such are more restrictive than those found within the Subdivision Regulations.
- (m) An adequate geotechnical analysis and study whereby the geological and topographical characteristics of the entire project is supplied, and each development stage properly related thereto if required by the Board. Whenever, there is a proliferation of sink holes as defined herein, extremely, steep slopes, poor developmental soil types, such as slippage slopes as defined herein, or any other limitations to urban development. Information such as developable and non-developable areas should be presented to the Board in graphic and tabular form along with supporting documentation (see the appropriate sections in Article III, as well as in Section 4.079.2.A.2(a)(3) for additional information in this respect.
- (n) A tabulation and identification of any architectural meaningful areas, as well as any other sensitive environmental "on-site" areas not mentioned in Subsection (m) above, i.e., wetlands,

areas containing rare or endangered flora and/or fauna, unique geological strata, etc.

(o) Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planning development and any of its common open areas, which at a minimum shall contain the following:

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

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

- (3) Adequate language to assure that any property divided under this provision shall be continuously subject to the unified plan under which originally approved. Such language shall so specifically include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner which would have the effect of negating the unified plan under which original approval was granted and language indicating that the

purchaser of any such parcel understands that in no instance will any such parcel be viewed as a separate independent parcel for zoning purposes.

- (4) Adequate language covering any and all cross easements as are necessary to assure the proper maintenance of all utility services, as well as to assure adequate vehicular and/or pedestrian access to all public and/or private facilities within the development.
 - (5) If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owners there-after make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions. Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.
- (p) The following plans and diagrams, insofar as the Board of Zoning Appeals finds that the planned development creates special problems of traffic, parking, landscaping or economic feasibility:
- (1) A traffic study prepared by a licensed traffic engineering firm, supplying the requisite traffic counts, as well as circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned development, as well as to and from existing and proposed thoroughfares. Surrounding background traffic shall be

thoroughly analyzed in relation to anticipated post development traffic volumes. Any special engineering features including access and lane improvements, as well as traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be appropriately depicted and specifically noted on the preliminary development plan.

(2) A graphic landscaping and tree planting plan, prepared by a licensed landscape architect or architect, including a landscape table listing the type and number of trees and bushes to be planted in relation to the total "on-site" paved area, as cited in Sections 3.140 and 3.150.

(3) An economic feasibility report or market analysis.

3. The Board of Zoning Appeals shall review the preliminary development plan and recommend its approval if it complies with the intent of this planned development section and contains all the information as specified in Section 4.079.2.B.2 cited previously herein.

C. Final Master Development Plan:

1. Within three (3) months following the approval of the preliminary development plan, the developer shall file with the Board of Zoning Appeals a final development plan in stages or as a whole containing in final form the information previously required in granting preliminary approval. Certification of the professional services of a civil engineer licensed to practice in Tennessee, as well as either a licensed landscape architect, or architect licensed to practice in Tennessee shall be affixed to all final development plans. The final development plan in addition shall contain: the location of water, sewerage, and drainage facilities, detailed building plans and elevations, landscaping plans and tabulation thereof, character and location of signage, plans for street improvements, grading and earth moving plans showing

existing and proposed topography, as well as any other information required to indicate fully the ultimate operation and appearance of the development. In its discretion, and for good cause, the Board may extend for three (3) months the period for the filing of the final development plan. In its discretion, and for good cause, the Board may extend for three (3) months the period for the filing of the final development plan.

2. The Board shall review the final development plan, and if it is in substantial compliance with the preliminary development plan, shall recommend approval.
3. The Building Inspector shall issue building permits for buildings and structures in the section, development phase or area covered by the approved final development plan, only if they are in conformity with the approved final development plan and with all other applicable regulations, i.e., all preliminary and final subdivision plat requirements, as well as detailed construction plan requirements attendant thereto. He shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the complete building or structure conforms to the requirements of the approved final development plan and final subdivision plat, as well as all other applicable regulations.

D. Change to Final Master Development Plan:

1. No changes may be made in the approved final plan during the construction of the planned development except as hereafter specified:
 - (a) Minor changes in the location, siting, and height of buildings and structures may be authorized by the Board of Zoning Appeals if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this section may change the size of any building or structure by more than ten (10) percent.

(b) All other changes in use, rearrangement of lots, blocks, or building tracts, as well as provisions for open spaces, or any other desired changes in the approved final development plan must be submitted to the Board which will make its recommendation for approval or disapproval thereon. No amendment may be made in the approved final development plan unless it is shown to be absolutely required by changes in conditions that have occurred since the final development plan was approved, or by changes in the development policy of the city.

2. Any changes which are approved for the final development plan must be recorded as amendments to the recorded copy of the final plat, as well as in the signed and approved final development plan prior to any further construction within the project and/or issuance of any subsequent building permits therein.

3. If no construction has begun and no use has been established in the planned development within two (2) years after approval of the final master development plan, said final master development plan will lapse and be considered null and void. Both the final master development plan, and the final plat thereof must be resubmitted for re-approval by the Board, or the planning commission as applicable. If there are major, significant changes in the basic concept of the plan as determined by the Board, i.e., changes in the layout of the servicing road pattern, density changes, changes in the basic types of land uses proposed, altered plans to drain the project which are substantial in nature, etc., the project applicant shall be required to refile the preliminary master development plan for re-approval. Accordingly, all subsequent, required approvals, i.e., final development plan, and other platting procedures shall be secured.

E. Control of Planned Development Following Completion:

1. Upon completion of all the work within the planned development, the Board of Zoning Appeals shall issue a certificate of

completion. The Secretary of the Board shall note the issuance of the certificate on the approved final development plan. This certificate of completion shall not be issued, until the performance bond or letter of credit is released as required in the platting process, after all improvements have been inspected by the city engineer and/or his designated representative, and found to be acceptable.

2. After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the planned development will be governed by the approved final master development plan, rather than by any other provisions of this regulation.
3. After the certificate of completion has been issued, no changes may be made in the approved final master development plan except upon application to the Board under the strict procedures provided below:
 - (a) Any minor extensions, alterations, or modifications of existing buildings, or structures, or of common open space may be authorized by the Board of Zoning Appeals if they are consistent with the purposes and intent of the final development plan. No change authorized by this section may change the size of any building or structure by more than ten (10) percent.
 - (b) Any uses not authorized by the approved final master development plan, which are allowable in the planned development as permitted uses under the provisions of this ordinance, or permitted as a special exception in the zone in which the planned development is located, may be added to the final development plan upon approval by the Board of Zoning Appeals, subject to the provisions of D3 as previously cited within this Subsection.
 - (c) A building or structure that is totally or substantially destroyed may be reconstructed but only in compliance with the final development plan.

- (d) Changes in the use of common open space may be authorized by an amendment to the final master development plan under one of the two (2) procedures specified above in Section 4.079.2.E.3.(a) or (b).
 - (e) Various other changes in the final development plan must also be made by the Board of Zoning Appeals under the procedures authorized by this regulation. No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned development, or unless they are required by changes in the development policy of the Town of Ashland City.
4. No changes in the final master development plan which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the planned development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

F. Subdivision and Resale of the Planned Development:

- 1. A planned development may be subdivided or resubdivided for purposes of sale or lease only after the certificate of completion has been issued.
- 2. If the subdivision or resubdivision of a planned development will create a new lot line the applicant shall make a request to the Planning Commission for the approval of the subdivision or resubdivision. The Planning Commission shall approve the subdivision or resubdivision if each section of the subdivided or resubdivided planned development meets the provisions of this regulation governing density, common open space, and dimensional requirements. Accordingly, density, open-space, and bulk requirements as expressed on the approved preliminary and/or final master development plan must be in concurrence with these documents.

3. All sections of a subdivided or resubdivided planned development are to be controlled by the final master development plan.

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

- (1) Other than the zero-lot line separating the two dwelling units or zone lot, all other lot, yard, and density requirements of the zoning district shall be met.
- (2) No zero side yard shall be adjacent to any public or private right-of-way.
- (3) No portion of a dwelling or architectural features of any structure shall project over any property line.
- (4) Where the same interior property line is utilized for the zero side yard construction of any dividing structure, such dividing structure shall consist of double walls separated by a minimum air space of two (2) inches.
- (5) Where the same interior property line is utilized for the construction of any zero side yard structure, all the provisions of the Standard Building Code shall be met, and all such fire walls shall have a rating of not less than two (2) hours duration.
- (6) At all points of attachment, such buildings shall be separated from each other by firewalls extending from footings to the underside of the roof deck without openings which would permit the spread of fire.
- (7) Individual water services and sewer services as well as maintenance easements and water meters for each zone lot shall be required.

- (8) All the requirements of the Ashland City Subdivision Regulations shall be met.
- (9) All current requirements of the Standard Fire Protection Code must be satisfied.

Other information that shall be provided relating to deed covenants is as follows:

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

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

- (3) Adequate language to assure that any property divided under this provision shall be continuously subject to the unified plan under which said property was originally approved. Such language shall so specifically include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner which would have the effect of negating the unified plan under which original approval was granted, and language indicating that the purchaser of any such parcel understands that in no instance will any such parcel or zone lot be viewed as a separate independent parcel for zoning purposes, other than for the purpose or specific use under which said parcel was originally approved.
- (4) Adequate language covering any and all cross-access and utility easements as are necessary to assure the proper use and maintenance of all ingress and egress areas, as well as all utility services.
- (5) If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any

rule or law requiring liability for negligent or willful acts or omissions. Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.

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

- A. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- B. The mobile home park shall be located on a well drained site, which is properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.
- C. Dimensional Requirements for Parks:
 - 1. Each mobile home park shall have a front yard setback of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
 - 2. Each mobile home park shall provide rear and side yards of not less than twenty (20) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
 - 3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
 - 4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- D. Landscaping and Sign Regulations:
 - 1. Entrance and exit areas within mobile home parks shall be landscaped as required in Section 3.140 of this ordinance.
 - 2. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only. Such lighting shall not be directed beyond the boundaries of the mobile home park.

E. Dimensional Requirements for Mobile Home Spaces: Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.
2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than twenty (20). No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
4. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.
5. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be four thousand (4,000) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand four hundred (6,400) square feet.

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

F. General Requirements:

1. Roads within the mobile home park shall be paved to a width of not less than twenty-two (22) feet in accordance with the procedures and standards for minor residential streets as specified in the Ashland City Subdivision Regulations; such streets shall be curbed and guttered. The right-of-way of such streets shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

2. All mobile home spaces within the park shall abut an access road as described in Subsection F,1, of this section.
 3. Each mobile home space shall be provided with a connection to the sanitary sewer line.
 4. Mobile homes, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
 5. Cabanas, travel trailers (motor homes), and other similar enclosed structures are prohibited.
 6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
 7. Ground anchors shall be installed at each mobile home space to permit the required tiedowns of mobile homes.
- G. Plans and Schedules Required: the following information shall be shown on the required site plan:
1. The location and legal description of the proposed mobile home park.
 2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
 3. The proposed use of all buildings or structures shown on the site plan.
 4. The location, and size of all mobile home spaces.
 5. The location of all points of entry and exit for motor vehicles, and the internal circulation pattern.
 6. The location of all off-street parking facilities.
 7. The location of park and recreation areas.
 8. The name and address of the applicant.
 9. A comprehensive drainage and erosion control plan.
 10. Such other architectural, engineering, and topographical data as may be required to permit the local County Environmentalist, the Ashland City Building Inspector, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.

11. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
12. All mobile home parks which do not conform to the provisions of the zoning ordinance and are nonconforming and/or nonconforming shall be governed in accordance with the provisions of SECTION 6.020 of this ordinance.
13. A landscape plan graphically depicting the location of all proposed landscaping, as well as a table indicating the type and number of landscape treatment proposed in relation to the required percentage thereof (See Section 3.140).
14. A typical section illustrating the type of buffering proposed, as well as the graphic location of such planted buffering.

H. Application for Mobile Home Park Building Permit: An application for a permit to develop and construct a mobile home park shall be filed in accordance with ARTICLE VII, SECTION 7.060, of this ordinance and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner:

1. The written application, plans, and schedules, herein required will be submitted to the Ashland City Building Inspector, the City Engineer and staff planner. The Building Inspector, City Engineer and staff planner shall duly review these materials and shall coordinate the review with other affected agencies and departments.
2. The Ashland City Building Inspector, City Engineer and staff planner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which after a formal review of all required information thereof, may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted, or why the site plan was denied.

4.100. Development standards for automobile wrecking, junk and salvage yards. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The

following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined herein above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than five hundred (400) feet from any established residential zoning district.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking: As regulated in ARTICLE IV, SECTION 4.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 - 2. Two (2) driveways where the road or street frontage of the subject parcel exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
 - 3. Other applicable requirements of Section 3.090 pertaining to access control shall be met.
- G. Signage: Signage is regulated by the provisions of the Sign Ordinance for the Town of Ashland City.
- H. Application for Automobile Wrecking Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Ashland City until he has secured a permit from the Ashland City Board of Zoning Appeals. An application for said permit shall be filed in accordance with ARTICLE VII, SECTION 7.060, of this ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other

information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in SECTION 7.060.

4.110. Floodway Fringe Areas. Areas lying outside the Floodway District but within land subject to flood as defined in ARTICLE II, SECTION 2.020 shall be subject to the following regulations. However, in all cases, all areas of special flood hazard located within the incorporated area of Ashland City as identified on the Ashland City, Tennessee Flood Insurance Study, and Federal Emergency Management Agency Flood Insurance Rate Map, Community-Panel Numbers 470027001-0004B; Effective Date: April 1, 1981 and any subsequent amendments or revisions, are hereby adopted by reference in this Ordinance.

- A. No residential building or structure shall be erected, and no existing residential building or structure shall be substantially improved or moved unless the lowest floor (including basement) of said building or structure is placed one (1) foot above the elevation of the 100-year flood. Foundations of all new structures shall be designed to withstand flood conditions at the site. In the absence of FIA base flood elevation data, the city building inspector (the local flood administrator) shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction substantial improvements, or other development be elevated above the 100-year flood level.
- B. Commercial, industrial, or other nonresidential structures may be constructed with the lowest floor below the level of the 100-year flood, provided the building or structure is floodproofed to a point at least one (1) foot above the level of the 100-year flood. Such structures or substantial improvements to existing structures shall be designed and constructed such that the structure is watertight with walls substantially impervious to the passage of water and shall be of sufficient structural strength to withstand the hydrodynamic, buoyant impact, or other forces resulting from the flood depths, velocities, pressures, debris, and other factors associated with the 100-year flood conditions at the site. Floodproofing measures shall be in accordance with the watertight performance standards of the publication Floodproofing Regulations prepared by the Office of the Chief of Engineers, Washington, D.C., dated June, 1972. In the absence of FIA base flood elevation data, other available data will be considered as a basis for determining the level of the 100-year flood.
- C. Any permitted development shall be of adequate structural strength to withstand the effects of water pressure and shall be firmly anchored to prevent flotation or lateral movement.

D. Land may be filled within floodway fringe areas, provided such fill does not extend into the floodway district and further provided that the top of the slope of such fill extends twenty-five (25) feet beyond the limits of any principal structures erected thereon. Minimum fill elevation shall be at least above the 100-year flood level. Fill shall consist of soil materials only and shall be thoroughly compacted to prevent excessive settlement and shall be protected from erosion. Fill slopes shall not be steeper than one (1) foot vertical to two (2) feet horizontal, and all slopes shall be stabilized in accordance with probable velocities. Additional fill shall be used only to the extent that it does not adversely affect adjacent properties. All filling permitted in the floodplain shall be limited to the flood fringe areas where flooding results in ponding rather than high velocity flows and where flooding would occur less frequently than in the open floodway. Where areas of backwater are to be filled, alternate storage capacity must be provided by dredging out an equal amount of storage area as occupied by fill. All dredged areas shall be stabilized immediately to prevent excessive sedimentation. Areas to be filled must be cleared of standing trees, stumps, brush, down timber and all objects including structures on and above the ground surface. Topsoil shall be removed and stockpiled, while all other spoil materials must be disposed of off-site. Fill material shall be placed in compacted layers.

Where a development falls within and/or encompasses a portion of a floodplain for a 100-year flood, the following shall apply:

- 1) At least twenty (20) days prior to the next scheduled meeting of the Ashland City Planning Commission at which time the item is to be considered, the applicant or developer shall furnish to the Ashland City Engineer, three (3) copies of the following information pertaining to proposed floodway fringe area modifications:
 - a) Typical cross-sections of the existing and proposed floodway and floodway fringe area perpendicular to the floodplain flow, no more than 300 feet apart.
 - b) Plan view of the channel showing the location of existing constrictions, obstructions and other non-typical areas.
 - c) Hydrographs and/or Flood Routing Calculations and Backwater Curve Profiles of the proposed waterway corresponding to a storm recurrence interval of 100 years.
 - d) Engineering evaluation of all potential increases in flood hazards to the adjacent upstream or downstream private or public lands and facilities located

thereon. Show provisions for eliminating any and all adverse impacts on said lands and facilities at no public cost.

- e) Minimum finished floor elevation(s) which shall be set one (1) foot above the maximum water surface elevation, determined from the official "Flood Insurance Rate Map of Ashland City" and "Flood Hazard Boundary and Floodway Map of Ashland City" as published by the Federal Emergency Management Agency, as well as from backwater curve profiles of the proposed waterway as required in c) above.
- f) Designation on the final plat, site plan, mobile home park plan, or final master development plan, whichever is applicable of all areas reserved for flood routing, retention or storage, together with appropriate documentation detailing the required wording pertaining to restrictions, dedications and maintenance responsibilities of such areas.
- g) If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the elevation of the regulatory flood at that location, unless compensatory storage is also provided.

All the required floodplain study information as described above for a particular site or property falling within a designated floodplain, shall at a minimum extend at least three hundred (300) feet up and down the stream from said particular property or site being developed or modified.

- E. Permitted development within the floodway fringe (areas) shall be in accordance with the development requirements for the underlying zoning classification, subject to the flood damage requirements set forth in SECTION 4.130 of this ordinance.
- F. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be

designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with these requirements must either be certified by a professional engineer or architect to meet the following minimum criteria:

(a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all openings shall be no higher than one foot above grade; and,

(c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions.

2. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

3. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premise (standard exterior door) or entry to the living area (stairway or elevator); and

4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

4.120. Flood damage prevention requirements. In all areas subject to flood as defined in ARTICLE II, SECTION 2.020, as well as within Item 2 of Subsection A of Section 5.054, the following general flood damage reduction requirements shall apply.

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

Located within areas of special flood hazard which are unmapped, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

A. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

- B. All new construction and substantial improvements of nonresidential buildings shall:
1. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least one (1) foot above the highest adjacent grade; or,
 2. together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- C. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

Standards For Unmapped Streams

Located within the Town of Ashland City are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. (See definition of watercourse). Adjacent to such watercourses or streams the following provisions shall apply:

- A. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to two and a half (2 1/2) the times the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.
- B. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated, or flood-proofed to elevations established in accordance with all flood proofing requirements of this ordinance.

Other General Requirements:

- A. All new or replacement water supply and sanitary sewage systems, together with attendant facilities, shall be designed and constructed so as to minimize or eliminate flood damage, infiltration or inflow of floodwater into the system, and discharges or overflows from the system into

floodwaters. On-site waste disposal systems, such as septic tanks and drainfields, shall be designed and constructed so as to avoid impairment of their operation or contamination from them in time of flood.

B. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located at least two (2) feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. All new or replacement drainage systems, together with attendant facilities, shall be designed and constructed so as to minimize or eliminate flood damages.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring. For the purposes of this Section only, manufactured homes shall include the term mobile home (see definitions Section of this Ordinance) which means a structure, transportable in one or more sections which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - a. The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation on a permanent foundation;
 - b. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
 - c. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet all the standards within this Section.

3. All recreational vehicles placed on sites must either:
 - a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of 2.b. above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, all applicable provisions within this Section, shall be utilized for all requirements relative to the base flood elevation or floodways.

4. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties and frame ties to ground anchors. Specifically:
 - (a) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations on manufactured homes fifty (50) feet or greater in length (a total of eight (8) ties are required), and one (1) additional tie per side on manufactured homes less than fifty (50) feet in length (a total of six (6) ties are required).
 - (b) Frame ties shall be provided at each of the four (4) corners of the manufactured home, with five (5) additional ties per side at intermediate locations on manufactured homes fifty (50) feet or greater in length (a total of fourteen (14) ties are required); and four (4) additional ties per side on manufactured homes less than fifty (50) feet in length (a total of twelve (12) ties are required).

- (c) All components of the anchoring system be capable of carrying a force of forty-eight hundred (4,800) pounds.
 - (d) Any additions to the home be similarly anchored.
- E. For any mobile home park or other development proposed to be located partially or completely in areas subject to be located partially or completely in areas subject to flood, the developer shall have prepared by a registered professional engineer, a hydrologic and hydraulic study which shall define the expected 100-year flood elevations throughout the site of the proposed development.
- G. For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on the community's Flood Hazard Boundary Map, (1) the elevation (in relation to mean sea level) shall be obtained of the lowest habitable floor (including basement) of all new or substantially improved structures, and a determination shall be made as to whether or not such structures contain a basement, (2) if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed shall be obtained, and (3) a record of all such information shall be maintained with the city's designated flood regulatory administrative official.
- H. Within twenty-one (21) calendar days of the establishment or construction of the lowest floor elevation of any structure, it shall be the duty of the builder to provide the building inspector with a certification of the "as-built" elevation of such lowest floor relative to mean sea level. Said certification shall be prepared under the direct supervision of a registered land surveyor or professional engineer and certified by same. Deficiencies detected by the city building inspector after reviewing such data shall be corrected by the builder prior to preceding with further construction or a stop-work order shall be issued. Any construction done within the aforestated twenty-one (21) day period prior to the submission of said certification shall be done at the builder's risk.
- I. Where floodproofing is utilized for a particular structure, (1) a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to

which such structure are floodproofed shall be maintained by the city's designated flood regulatory administrative official, or (2) a certified copy of a local regulation containing detailed floodproofing specifications which satisfy watertight performance standards shall be submitted to the Federal Insurance Administrator for approval.

- J. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Ashland City, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

4.130. Yard requirements on corner lots in residential districts. On all corner lots in residential districts there shall be two (2) required front yards, and two (2) required side yards (See definition of side yard in Section 2.020 of Article II herein). According to the siting of the principal structure on said lot, one of these side yards will in effect become the rear yard for this lot.

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

4.150. Special provisions for residential occupancy in connection with mini-warehouse facilities. In all C-2 zoning districts, as well as in all industrial zoning districts wherein mini-warehouse facilities are allowed, residential occupancy may be permitted as a special exception by the Board of Zoning Appeals as an accessory use thereof based upon the following standards:

- A. Residential occupancy may be permitted in conjunction with the office facility situated within the mini-warehouse complex or facility on the same zone lot, as an accessory use thereof, in order to facilitate adequate security of the premises according to the following provisions:
1. No more than one (1) dwelling or rooming unit may be permitted in conjunction with the office facility situated within the complex, located on the same zone lot limited to 2 bedrooms of no more than nine hundred (900) square feet.

2. Any office-dwelling unit or office-rooming unit permitted under the provisions of this section shall be strictly limited to occupancy by two (2) persons employed to manage the office facility on the same zone lot while providing security services to the entire mini-warehouse facility thereon.
3. Prior to issuing a permit for a special exception for this section, detailed plans must be submitted to the Board clearly demonstrating the location of the office-dwelling unit internal to the site, the specific parking spaces and parking aisles servicing this office-dwelling unit complex, as well as all other required information as cited in Sections 7.060 and 7.061 Subsections A, B, and C of Article VII of this ordinance.
4. It must be demonstrated that all other fire code and applicable building codes are being met prior to the approval of a special exception by the Board of Appeals in this regard.

4.160. Cluster Residential Development Standards (Single-Family Subdivided Dwellings).

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

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

4.160.1 Procedure for Approval.

4.160.1.A Preliminary Plan and Consultation.

Before preparing a formal proposal for cluster residential development the applicant shall submit ten (10) copies of a preliminary plan of the proposed development

to the planning commission as a basis for reaching general agreement on major aspects of the project. Such plan must be presented no later than twenty (20) days prior to the planning commission meeting. The preliminary plan shall indicate, at a scale no smaller than 1"=50':

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

4.160.1.B Plat Approval Procedure.

Proposals for cluster residential developments shall be subject to the Ashland City Subdivision Regulations, shall be prepared and reviewed under the plat

approval procedures therein, and shall be in accordance with the provisions of this section.

4.160.1.C Development Standards

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

(1) General Standards for Development

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

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

4.160.1.D Development Requirements.

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

(3) Maximum Density.

The average number of dwelling units per acre or net density of buildable land (not including land for street right-of-way, land containing slopes of 25 percent or more and floodprone acreage) shall not exceed the maximum allowable density as established within the applicable zoning district. Maximum buildable acreage shall consist of no more than seventy-five (75) percent of the total residentially-zoned acreage available, with twenty-five (25) percent of said total to be allocated for street right-of-way regardless of the acreage actually required thereof. Areas containing overly steep slopes as defined above, and floodprone areas as defined herein shall be considered additive to this 25% open space figure in arriving at the total open space within the project (non-fee simple ownership lot area). Furthermore, other supplemental design standards enumerated in Article III herein as apply to steep slopes, slippage soils, and sinkholes shall be incorporated in a tabular and graphic format indicating the acreage and location of these environmental site limitations. This information shall also be utilized to determine the maximum allowable density of development. Floodprone acreage shall be defined as any land lying below the 100 year flood elevation within the applicable drainage basin, as well as any land falling within any officially designated 100 year floodplain.

(4) Minimum lot size, width or yard requirements

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

(5) Structure location requirements.

- Minimum distance between any structure and any exterior property line 50 feet.
- Minimum distance between structures and street right-of-way line 40 feet.

- Minimum spacing between structures 24 feet, or more as required by the N.F.P.A Standard Fire Protection Code.

(6) Buffering Requirements.

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

(7) Utilities.

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

(8) Streets.

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

(9) Common open space.

(a) Minimum common open space requirement.

Plats proposed for approval under the provisions of this section shall include local open space tracts of size, developed use, location, shape and topography which will meet the intent of this section, as well as the Ashland City Subdivision Regulations. The minimum amount of local open space to be allocated shall in no case be less than the aggregate amount by which building lots are reduced from regular minimum lot size requirements, and must according to the design standards enumerated above in Section 4.170.1.D(3) contribute a lesser density than would be normally the case under the nonclustered process of land subdivision. The minimum developed recreation area (the developed recreation area per the total floor area within the project) shall be no less than a ratio of .14, with developed or acceptable recreational uses being defined hereafter in Section 4.170.D(9)(b).

(b) Permitted common open space uses.

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

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

-Historic building sites or historical sites, scenic parks and parkway areas, developed walking and/or bicycle trail areas, picnic areas and shelters extensive areas with tree cover, low land along streams which are not designated as mapped floodplains, or areas of rough terrain when such areas do not exceed twenty (20) percent topographic slopes and have natural features worthy of scenic preservation as determined by the planning commission.

(c) Legal requirements for operation and maintenance

Local or common open space, at the option of the developer, may be retained by him or deeded by him to a homeowners association or other organization approved by the planning commission.

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

When such tracts are to be deeded to a homeowners association, all details pertaining thereto must be

reviewed and approved by the city attorney. The developer shall provide:

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

- that the homeowners association will be responsible for liability insurance, local taxes, maintenance of recreational or other facilities pertaining to the local open space.

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

- (ii) Deeds to individual lots within the subdivision, which shall convey mandatory membership in the homeowners association, and include as a minimum the following provisions:

- responsibility for paying a pro rata share of the cost of homeowners association operation.

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

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

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

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

A. Purpose:

The provisions set forth herein are intended to apply to all two-family detached dwellings (duplex and zero-lot line two-family dwellings) as defined by this ordinance regardless of the district in which such uses may be located. It is the express purpose of these regulations to establish design criteria and to provide for the implementation of these provisions by the planning commission in the case of zero-lot line dwellings as discussed in Section 4.080, or by the board of zoning appeals in the review of applications for special exceptions, as required in Sections 4.070 and 7.060 of this ordinance. Moreover, these provisions provide for the implementation of these standards by the planning staff through the review of applications for building permits, or by the planning commission through the review of subdivision plats when required.

B. Design Criteria:

1. All two-family detached units constructed on individual zone lots shall be designed to closely resemble in appearance the other housing units in the neighborhood. Particular attention should be paid to locating only one entrance door servicing the front of the structure.
2. Exterior building materials shall be of the same type and quality of other dwelling units in the neighborhood or on adjoining lots.
3. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, as well as the screening of objectionable views or uses, and the reduction of noise, when required by the board of appeals, planning staff, or planning commission, as applicable.

4. The appearance and character of the site shall be preserved, as appropriate, and enhanced by retaining and protecting existing trees and other site features. Additional new plant materials shall be added for privacy, beauty of buildings and grounds, and to screen objectionable features.
5. Appropriate notations verifying these standards shall be placed on application forms for building permits as well as on the applicable subdivision plats. Such notations shall also be placed on the plans to be reviewed by the board of zoning appeals as special exceptions whenever zero lot-line dwellings are involved. Architectural drawings and perspective illustrations may be required to substantiate compliance with the design criteria within this section if required by the appropriate approving person, board, or commission in question.

C. Lots:

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

D. Parking:

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

4.180. Development standards as apply to multi-family dwellings

A. Purpose:

The provisions set forth herein are intended to provide a limited number of basic design standards for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to supplement the plot (site) plan provisions as cited in Article III, Section 3.120, or the planned unit development provisions as cited in Article IV, Section 4.070, in an effort to establish safe, attractive, and efficient design patterns thereof.

B. Development Standards:

1. No multi-family structure shall contain more than twelve (12) dwelling units per floor in a single building or structure.

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

4.190. Height requirement as applies to fences. No fence for the purposes of complying with the provisions of this ordinance shall be more than six (6) feet in height, except as pertains to the developmental standards cited in Section 4.100 herein.

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

4.210. Minimum design standards for transmission and communication towers and stations

4.210.1 Standards for Telephone, Telegraph, and Communications Transmitter Stations and Towers. All transmitter stations, including towers and operating equipment located within Ashland City shall adhere to the following standards:

- (a) All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1991 utilizing a wind rating of eighty miles per hour (80 MPH) plus ice loading for Ashland City, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.

- (b) A site plan shall be approved by the Ashland City Planning Commission prior to the issuance of a building permit.
- (c) All towers shall be set back from all property lines by fee-simple ownership acreage, or by leasehold acreage a distance that is equal to:
 - 1) for a guyed tower, twenty percent (20%) of its maximum height, and
 - 2) for a self supporting tower, fifty percent (50%) of its maximum height.
- (d) All applications for permits to build towers in Ashland City must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- (e) Fencing. The entire tract in either fee-simple ownership or leasehold procurement containing such tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.
- (f) Screening. Where the tower site abuts or is contiguous to any Residential District, there shall be provided a continuous, solid screening, and it shall be of such plant materials as will provide a reasonable year-round evergreen screening. Screening, as required herein, shall be not less than four (4) feet in height at the time of planting, and shall be permanently maintained by the leaseholder or owner of the subject property.

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

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

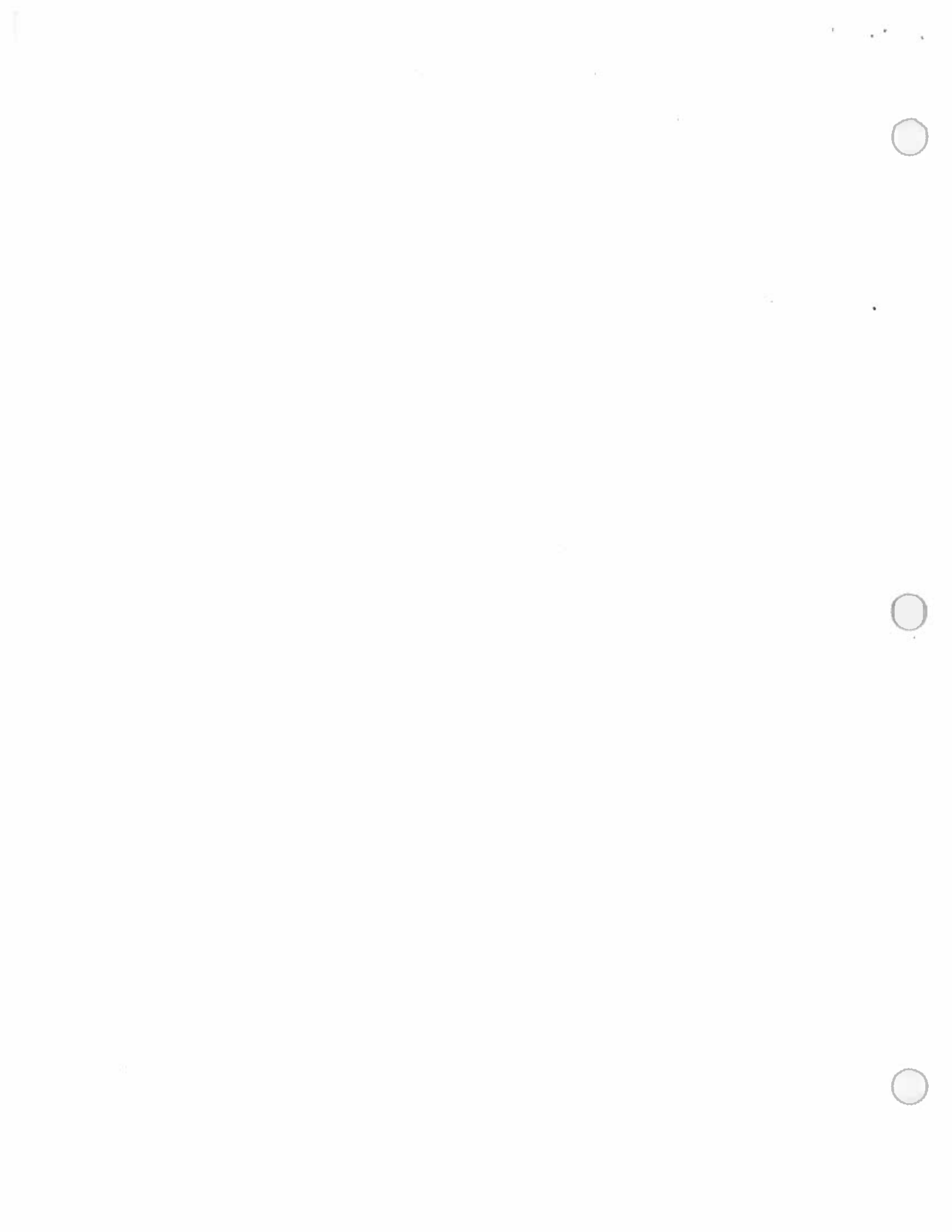
4.240. Standards as apply to motor home (travel trailer) parks. The same development standards and developmental procedures as required for mobile home parks as cited in Section 4.090 shall apply to motor home (travel trailer) parks, as well as any other information as may be required by the Board of Zoning Appeals. Mobile homes shall not be placed in motor home parks.

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

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

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

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



ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Classification of districts
- 5.020 Zoning Map
- 5.030 Zoning district boundaries
- 5.040 Zoning of annexed territory
- 5.050 Specific district regulations

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

Zoning District	District Abbreviation
Low-Density Residential	R-1
Low-Density Residential	R-2
Medium-Density Residential	R-3
High-Density Residential	R-4
High-Density Residential	R-5
Central Business	C-1
Highway Service	C-2
Neighborhood Service Business	C-3
Light Industrial	I-1
Light Industrial	I-2
Heavy Industrial	I-3
Floodway	F-1
Historic	H-1

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

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

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

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

5.050. Specific district regulations. The regulations that follow in Section 5.051 through 5.054 shall apply in the twelve (12) zoning districts established in SECTION 5.010 of this ordinance. Article II, Sections 2.020 and 2.030 shall be referred to in order to define the various uses permitted in the following district regulations.

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

1. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;
2. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;

3. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces;
4. To require for the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned developments with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing greater freedom of architectural and site design;
5. To provide for access of light and air to windows and for privacy, by the establishment of controls over the spacing and height of buildings and other structures;
6. To provide appropriate space for public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences; and
7. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenues.

5.051.1 R-1, Low-Density Residential District.

A. District Description:

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally this district will consist of single-family detached dwellings. This district also includes community facilities, public utilities, and open uses which specifically serve the residents of the district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities will be physically and economically facilitated. It is the express purpose of this ordinance to exclude from this

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

B. Uses Permitted:

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

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

C. Uses Permitted as Special Exceptions:

In the R-1, Low-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Religious Facilities.
2. Educational Facilities.
3. Cultural and Recreation Services.
4. Administrative Services.

5. Family Day Care Homes.
6. Farms.
7. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.
8. Associations for mentally and physically handicapped persons.

D. Uses Prohibited:

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

E. Dimensional Regulations:

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

1. Minimum Lot Size:

Area	15,000 sq. ft.
Area Per Family	15,000 sq. ft.
Lot Width At Building Setback Line	100 feet

2. Minimum Yard Requirements:

Front Setback	40 feet
Side	15 feet
Rear	25 feet

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

4. Height Requirements: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

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

5.051.2 R-2, Low-Density Residential District.

A. District Description:

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

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

B. Uses Permitted:

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

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

C. Uses Permitted as Special Exceptions:

In the R-2, Low-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Educational Facilities.
2. Religious Facilities.
3. Cultural and Recreation Services.
4. Administrative Services.
5. Planned developments as regulated in ARTICLE IV, SECTION 4.070.
6. Family Day Care Homes.
7. Associations for mentally and physically handicapped persons.
8. Farms.
9. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.

D. Uses Prohibited:

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

E. Dimensional Regulations:

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

1. Minimum Lot Size:

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

2. Minimum Yard Requirements:

Front Setback	40 feet
Side	12 feet
Rear	20 feet

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

4. Height Requirements: No building shall not exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

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

5.051.3 R-3, Medium Density Residential

A. District Description:

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

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

B. Uses Permitted:

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

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

C. Uses Permitted as Special Exceptions:

In the R-3, Medium Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Boarding or Rooming Houses.
2. Educational Facilities.
3. Religious Facilities.
4. Cultural and Recreation Services.
5. Administrative Services.
6. Planned developments as regulated in ARTICLE IV, SECTION 4.070.
7. Family Day Care Homes.
8. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.

D. Uses Prohibited:

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

E. Dimensional Regulations:

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

1. Minimum Lot Size

Area - Single Detached Dwelling	10,000 sq. ft.
- Duplex	15,000 sq. ft.
- Planned Development (Multi-Family)	10 acres
Area Per Family - Single Detached	10,000 sq. ft.
- Detached	7,500 sq. ft.
- Planned Development (Multi-Family)	5,000 sq. ft.

Lot Width At Building Setback Line	80 feet/50 feet for zero lot line developments
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2. Minimum Yard Requirements:

Front Setback	35 feet
Side	12 feet
Rear	20 feet

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel.

4. Height Requirements: No building shall exceed thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

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

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

A. District Description:

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

B. Uses Permitted:

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

1. Duplex dwellings.
2. Multi-family dwellings.
3. Board and rooming houses.
4. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than eight (8) feet to any lot line.
5. Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.

6. Essential Public Transport, Communication, Government, and Utility Services

C. Uses Permitted as Special Exceptions:

In the R-4, High-Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Community Assembly Uses.
2. Religious Facilities
3. Educational Facilities.
4. Cultural and Recreation Services.
5. Planned developments as regulated in ARTICLE IV, SECTION 4.070.
6. Associations for Physically or Mentally Handicapped Persons.
7. Family Day Care Homes.
8. Nursing Homes and Rest Homes.
9. Retirement Homes and Assisted Living Centers.
10. Orphanages.
11. Administrative Services.
12. Radio and television towers, and transmission facilities, water storage facilities, and water and sewage treatment plants.

D. Uses Prohibited:

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

E. Dimensional Regulations:

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

1. Minimum Lot Size:

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

2. Minimum Yard Requirements:

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

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel.

4. Height Requirements: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in ARTICLE VI, SECTION 6.050.

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

A. District Description:

This district is designed to provide suitable areas for high density residential developments where sufficient urban infrastructure is available, or will be made available prior to development. This district is characterized by residential structures such as mobile homes situated on individual zone lots, as well as by mobile home parks developed at higher densities. Within such parks, individual mobile homes are developed for rental purposes on sites containing at least 2 acres. Specific design standards are cited therewith, in section 4.090, in order to achieve quality developments, as well as to protect property values within the district. This district is intended also to permit community facility and public utility facilities and services which are necessary to specifically service the residents of the district, or which installations are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential environment, whether operated for profit or otherwise, except that special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

B. Uses Permitted:

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

1. Mobile homes on single lots.
2. Customary accessory buildings including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than eight (8) feet to any lot line.
- 3 Customary incidental home occupations as regulated in ARTICLE IV, SECTION 4.040.

- 4 Essential Public Transport, Communication, Government, and Utility Services

C. Uses Permitted as Special Exceptions:

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

1. Community Assembly Uses.
2. Religious Facilities
3. Educational Facilities.
4. Cultural and Recreation Services.
5. Mobile home parks as regulated in ARTICLE IV, SECTION 4.090.
6. Associations for Physically or Mentally Handicapped Persons.
7. Family and Group Care Facilities.
8. Nursing Homes and Rest Homes.
9. Retirement Homes and Assisted Living Centers.
10. Orphanages.
11. Family Day Care Homes.
12. Administrative Services.
13. Radio and television towers and transmission facilities, and water and sewage treatment plants and water storage facilities.

D. Uses Prohibited:

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

E. Dimensional Regulations:

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

1. Minimum Lot Size:

Area - Mobile Home on Single Lot	10,000 sq. ft.
- Mobile Home Park	2 acres
Area Per Family - Mobile Home on Single Lot	10,000 sq. ft.
- Mobile Home Park Single-Wide Unit	4,000 sq. ft.
Double-Wide Unit	6,400 sq. ft.
Lot Width at Building Setback Line - Mobile Home on Single Lot	70 ft.
- Mobile Home Park	N/A, See Section 4.090 of Article IV for Applicable Standards

2. Minimum Yard Requirements:

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

*Required when adjoining public street.

3. Maximum Lot Coverage:

- Mobile Home on Single Lot: On any lot or parcel of land, the area occupied by buildings or structures, including accessory structures, may not exceed forty (40) percent of the total area of such lot or parcel.
- Mobile Home Parks: See Standards Cited in Article IV, Section 4.090.

4. Height Requirements:

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

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

1. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
2. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
3. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.

4. To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of Ashland City, and in particular the need for medical services, and the needs of the general public traveling along major highways.
5. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials for both types of land uses.
6. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
7. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for a high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.
8. To promote the most desirable use of land and direction of building development in accordance with a well considered plan, to promote stability of commercial development, to strengthen the economic districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Ashland City's tax revenues.

5.052.1 C-1, Central Business District

A. District Description:

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

B. Uses Permitted:

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

1. Government administrative services.
2. Community assembly uses.
3. Automotive parking facilities.
4. Convenience retail sales and services.
5. Consumer repair services.
6. Entertainment and amusement services.
7. Financial, insurance, real estate, and consulting services.
8. Food and beverage services.
9. General business services.
10. General personal services.
11. General retail trade uses.
12. Professional services - medical.
13. Professional services - non medical.
14. Transient habitation excluding sporting and recreational vehicle camps.
15. Vehicular, marine craft, aircraft, and related equipment sales, rental and delivery; excluding aircraft dealers, boat dealers, and recreational and utility trailer dealers.
16. Signs as regulated by City Sign Ordinance.
17. Essential public transport, communication, and utility services.

C. Uses Permitted as Special Exceptions:

In the C-1, Central Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060:

1. Limited manufacturing conducted in completely enclosed buildings.
2. Planned Developments as regulated in ARTICLE IV, SECTION 4.070.
3. Upper story residential dwelling as per the standard cited in Section E.6. below, as well as the requirements cited in ARTICLE VII, SECTION 7.060.C.9.
4. Adult oriented business establishments subject to the supplemental requirements cited in ARTICLE VII, SECTION 7.061.13.

D. Uses Prohibited:

Industrial uses; warehousing and storage uses; except those which are located within and incidental to permitted uses; automobile wrecking, junk, and salvage yards; uses not specifically permitted or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the C-1, Central Business District shall comply with the following requirements except as provided in ARTICLE VI:

1. Minimum Lot Size: No minimum lot size shall be required in the C-1 District.
2. Minimum Yard Requirements: Front yard - 25 feet. If a building or buildings on an adjacent lot or lots provide front yards less than 20 feet in depth, a front yard equal to the average of adjacent front yards shall be provided. Rear yard - 20 feet. Side yard - none is required. However, if an open area extending along a side lot line is provided, it shall be at least ten (10) feet wide, and it shall be unobstructed.

3. Maximum Lot Coverage: There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.
4. Height Requirements: The maximum height of all buildings located in the C-1 District shall be established as follows, except as provided in ARTICLE VI, SECTION 6.050:
 - a. The maximum building height at the street line shall be three (3) stories or forty (40) feet.
 - b. For each foot the building is setback from the street line, the height of the building may be increased by 1.5 feet to a maximum height of sixty (60) feet, only if said building contains an on-site water storage tank, or some other type of acceptable fire protective device as approved by the town fire department.
5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.
6. Minimum Floor Area - Upper Story Residential Dwelling: The minimum floor area for an upper story residential dwelling unit shall be 500 square feet.

5.052.2 C-2 Highway Service District.

A. District Description:

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or those which are necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize

compatibility with lesser intense uses of land or buildings in proximate residential districts. Appropriate locations for these districts are along major traffic arteries. Such districts should be situated near major transportation interchanges in clustered developments patterns, and not patterns of striped commercial development extending in a continuous manner along such major traffic arteries.

B. Uses Permitted:

All uses permitted in the C-1 District are allowed in this district as well as the following uses:

1. Government administrative services.
2. Cultural and recreational services.
3. Essential public transport, communication, and utility services.
4. Automotive service and repair uses.
5. Building materials and farm equipment sales, provided there is no outdoor storage, with the exception of retail nurseries, and farm equipment vehicles.
6. Contract construction services provided there is no outdoor storage.
7. Convenience retail sales and services uses.
8. Consumer repair services.
9. Entertainment and amusement services.
10. Financial, insurance, real estate, and consulting services.
11. Food and beverage services.
12. Food service uses; take out.
13. Animal care and veterinarian services provided there is no outside housing of animals.
14. General business services.

15. General personal services.
16. General retail trade uses.
17. Professional services - medical.
18. Professional services - non medical.
19. Transient habitation: hotels, motels, tourist homes or courts.
20. Vehicular, marine craft, aircraft, and related equipment sales, rental and delivery uses.
21. Limited manufacturing conducted in completely enclosed building.
22. Religious facilities.
23. Education facilities.
24. Wholesale sales provided there is less than 50% utilized as storage, and no outdoor storage.
25. Signs as regulated by City Sign Ordinance.
26. Community assembly facilities.
27. Health care facilities.
28. Intermediate impact facilities.
29. Day care Centers.
30. Special personal and group care facilities.
31. Nursing homes.

C. Uses Permitted as Special Exceptions:

In the C-2, Highway Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Transient habitation: Sporting and recreational vehicle camps.
2. Planned developments as regulated in ARTICLE IV, SECTION 4.070.

3. Group assembly uses, other than race tracks and drag strips.
4. Mini-warehouses containing inside storage only as regulated in ARTICLE IV, SECTION 4.150 and ARTICLE VII, SECTION 7.060.
5. Adult oriented business establishments subject to the supplemental requirements cited in ARTICLE VII, SECTION 7.061.13.

D. Uses Prohibited:

Industrial uses; warehousing and storage uses; with the exception of mini-warehousing containing inside storage and industrial uses; except those which are located within and incidental to permitted uses; truck terminals; junkyard, including automobile wrecking and salvage; uses not specifically permitted, or uses not permitted upon approval as a special exception.

E. Dimensional Regulations:

All uses permitted in the C-2, Highway Service District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: 20,000 square feet.
2. Minimum Yard Requirements:

Front Setback -	Thirty-five (35) feet
Side -	Fifteen (15) feet
Rear -	Twenty (20) feet
3. Maximum Lot Coverage: On any area or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed seventy (70) percent of the total area of such lot or parcel.
4. Height Requirements: No building shall exceed forty (40) feet in height, except as provided in ARTICLE VI, SECTION 6.050.
5. Parking Space Requirement: As regulated in ARTICLE IV, SECTION 4.010.

5.052.3 C-3, Neighborhood Service Business District

A. District Description:

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. These districts are characteristically small, and are distributed widely for convenient accessibility by residential area occupants. They should adjoin collector or arterial streets. Bulk regulations are established within these districts to provide for maximum compatibility between the commercial activity in these districts and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

B. Uses Permitted:

In the C-3, Neighborhood Service Business District, the following uses and their accessory uses are permitted:

1. Generally recognized retail business which supply commodities on the premises for persons residing in adjacent residential areas, such as mini-markets, small groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions or hardware.
2. Personal service establishments which perform services on the premises such as repair shops (radio, television, shoe, etc.), beauty parlors or barbershops, and self-service laundries.
3. Signs as regulated by City Sign Ordinance.
4. Essential public transport, communication, and utility services.

C. Uses Permitted as Special Exceptions:

No uses shall be permitted as special exceptions in the C-3 District.

D. Uses Prohibited:

In the C-3, Neighborhood Service Business District, all uses, except those uses or their accessory uses specifically permitted are prohibited, including retail liquor and package stores.

E. Dimensional Regulations:

All uses permitted in the C-3, Neighborhood Service Business District shall comply with the following requirements except as provided in ARTICLE VI.

1. Minimum Lot Size: The minimum lot size in the C-3 District shall be 10,000 square feet.
2. Minimum Yard Requirements:

Front Setback	30 feet
Side	20 feet
Rear	20 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed sixty (60) percent of the total lot area of such lot or parcel.
4. Height Requirements: Buildings shall not exceed thirty-five (35) feet in height except as provided in Article VI, Section 6.050.

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

1. To provide sufficient space, in appropriate locations to meet the needs of the area of Ashland City's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
2. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, providing for the appropriate space needs of such distributive and industrial activities.

3. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
4. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by limiting such development to areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
5. To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
6. To promote the most desirable use of land and direction of building development, to promote the stability of the industrial base and related development, to strengthen the economic base of the Ashland City area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Ashland City's tax revenues.

5.053.1 I-1, Light Industrial District:

A. District Description:

This district is primarily designed to accommodate existing industrial areas within the community that are relatively limited in their amount of developable acreage, due to the pre-existing layout of streets and blocks within such areas. Within this district therefore, the necessary yard requirements are less restrictive than those cited within the I-2 and I-3 Industrial Districts. The I-1 District is designed for a wide range of industrial and related uses which conform to a high level of performance standards.

Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other more intensive industrial uses which involve more objectionable nuisances. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial developments are permitted.

B. Uses Permitted:

In the I-1, Light Industrial District, the following uses and accessory uses are permitted:

1. Warehousing goods transport and storage.
2. Airports, air cargo terminals, and heliports.
3. Wholesale sales facilities.
4. Limited manufacturing uses.
5. Intermediate manufacturing uses.
6. Aircraft dealers.
7. Animal care and veterinary services.
8. Agricultural activities.
9. Essential public transport, communication, and utility services.
10. Signs as regulated by City Sign Ordinance.
11. Plant and forest nurseries.
12. Building materials and farm equipment sales.
13. Dairies and truck gardens.

C. Uses Permitted as Special Exceptions:

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Group assembly uses, other than race tracks (auto, motorcycle, dog, and horse), and drag strips.

2. Food and beverage service facilities.
3. Food service take-out facilities.
4. Commercial recreation uses.
5. Contract construction services.
6. Consumer repair services.
7. Intermediate impact facilities.
8. Government administrative services.
9. Planned developments as regulated in ARTICLE IV, SECTION 4.070.

D. Uses Prohibited:

Uses not specifically permitted or uses not permitted upon approval as a special exceptions.

E. Dimensional Regulations:

All uses permitted in the I-1, Light Industrial District shall comply with the following requirements except as provided in ARTICLE VI:

1. Minimum Lot Size: No minimum lot size is required in the I-1 District.
2. Minimum Yard Requirements:

Front Yard	40 feet
Side Yard	25 feet
Rear Yard	30 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed sixty (60) percent of the total lot area of such lot or parcel.
4. Height Requirements: No building shall exceed forty (40) feet in height, unless on-site water storage facilities or other acceptable fire fighting equipment is approved by the town's fire department. If approved, buildings may attain to fifty (50) feet in height, except as provided in Article VI, Section 6.050.
5. Parking Space Requirements: As regulated in Article IV, Section 4.010.

5.053.2 I-2, Light Industrial District.

A. District Description:

This district like the I-1 District is designed for a wide range of industrial and related uses which conform to a relatively high level of performance standards. Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other industrial uses which involve more objectionable influences. New residential developments are excluded from this district, both to protect residences from an undesirable environment, and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial developments are permitted.

B. Uses Permitted:

In the I-2, Light Industrial District, the following uses and their accessory uses are permitted:

1. Warehousing, goods transport and storage uses.
2. Airports, air cargo terminals, and heliports.
3. Wholesale sales facilities.
4. Limited manufacturing facilities.
5. Intermediate manufacturing facilities.
6. Aircraft dealers.
7. Animal care and veterinary services.
8. Agricultural services.
9. Essential public transport, communication, and utility services.
10. Signs as regulated by City Sign Ordinance.
11. Plant and forest nurseries.
12. Building materials and farm equipment sales facilities.

13. Dairies and truck gardens.

C. Uses Permitted as Special Exceptions:

1. Group assembly uses, other than race tracks (auto, motorcycle, dog, and horse), and drag strips.
2. Food and beverage service facilities.
3. Food service take-out facilities.
4. Commercial recreation facilities.
5. Contract construction services.
6. Consumer repair services.
7. Intermediate impact facilities.
8. Government administrative services.
9. Planned developments as regulated in ARTICLE IV, SECTION 4.070.
10. Feed lots and stockyards.

D. Uses Prohibited:

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

E. Dimensional Regulations:

All uses permitted in the I-2, Light Industrial District shall comply with the following requirements except as provided in ARTICLE VI:

1. Minimum Lot Size: No minimum lot size is required in the I-2 District.
2. Minimum Yard Requirements:

Front Yard	60 feet
Side Yard	30 feet
Rear Yard	35 feet
3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total lot area of such lot or parcel.

4. Height Requirements: No building shall exceed forty (40) feet in height, unless on-site water storage facilities or other acceptable fire fighting equipment is approved by the town's fire department. If approved, buildings may attain to sixty (60) feet in height, except as provided in Article VI, Section 6.050.
5. Parking Space Requirements: As regulated in Article IV, Section 4.010.

5.053.3 I-3, Heavy Industrial District.

A. District Description:

This district is designed to accommodate industrial uses which involve more objectionable influences and hazards, and which therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of the Ashland City area. No new residential developments are permitted within this district, thereby insuring protection of such developments from an undesirable environment, while at the same time ensuring adequate acreage tracts for industrial activities.

B. Uses Permitted:

In the I-3, Heavy Industrial District, the following uses and their accessory uses are permitted:

1. All uses that are permitted in the I-1, and I-2 Light Industrial Districts.
2. Extensive manufacturing facilities, with the exception of ordinance and accessories manufacturing and junk yard.
3. Extensive impact facilities.
4. Signs as regulated by City Sign Ordinance.
5. Farm equipment and supplies.
6. Feed milling and sales facilities.
7. Lumber and other building material dealers.
8. Seed and storage sales.
9. Building materials and farm equipment sales facilities.

C. Uses Permitted as Special Exceptions:

In the I-3, Heavy Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Group assembly activities, other than schools for profit, colleges and universities, technical and trade schools, commercial resorts, and commercial camp grounds.
2. Outdoor storage materials to be used in manufacturing.
3. Planned developments as regulated in ARTICLE IV, SECTION 4.070.
4. Mining and quarrying uses.
5. Feed lots and stock yards.
6. Ordinance and accessories manufacturing facilities.
7. Wrecking, junk, and/or salvage yards.
8. Automotive wrecking yards.
9. Raising of plants, animals, and fish, with the exception of farms.
10. Feed lots and stockyards.

D. Uses Prohibited:

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

E. Dimensional Regulations:

All uses permitted in the I-3, Heavy Industrial District shall comply with the following requirements except as provided in ARTICLE VI:

1. Minimum Lot Size: No minimum lot size is required in the I-3 District.
2. Minimum Yard Requirements:

Front Setback	100 feet
Side	50 feet
Rear	50 feet

3. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed fifty (50) percent of the total area of such lot or parcel.
4. Height Requirements: Buildings shall not exceed forty (40) feet in height, unless on-site water storage facilities or other acceptable fire fighting equipment is approved by the town's fire department. If approved, buildings may attain to sixty (60) feet in height, except as provided in Article VI, Section 6.050.
5. Parking Space Requirements: As regulated in ARTICLE IV, SECTION 4.010.

5.054. Floodway District. The Floodway District established by this ordinance is designed to promote the public health, safety, and general welfare and to minimize or eliminate loss of life and property, health and safety hazards, disruption of commerce and governmental services, unusual public expenditures for flood protection and relief, and the impairment of the tax base by provisions designed to prohibit or restrict developments which are dangerous to health, safety, or property in times of flood, or which cause undue increases in flood heights or velocities; to require that developments vulnerable to floods, including public facilities which serve such developments, shall be protected against flood damage at the time of initial construction; and to protect individuals from purchasing lands which are unsuitable for development purposes because of flood hazards.

5.054.1 F-1, Floodway District:

A. Floodways Established.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural cases, such as channel siltation or bridge openings restricted by debris. This ordinance shall not create a liability on the Town of Ashland City or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Floodways are hereby established for the purpose of meeting the needs of the streams to safely carry floodwaters; to protect the stream channels and their

floodplains from encroachment so that flood heights and flood damages will not be appreciably increased; to provide the necessary regulation for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods. In applying the provisions of this ordinance, floodways shall be defined as follows:

1. Along the Cumberland River, Lennox Branch, Mark's Creek, Marrowbone Creek, and Dry Fork Creek. The floodway as delineated by the Flood Insurance Study, Town of Ashland City, Tennessee, Cheatham County, and all subsequent revisions thereto. The boundaries of the floodway shall be shown on the Official Zoning Map of the Town of Ashland City, Tennessee. The Flood Insurance Study shall be kept and maintained by the building inspector and shall be available for inspection and examination by the public during normal office hours.
2. Along sinkholes and other low places and other areas of shallow flooding (AO and AH Zones). All lands lying below the elevation of the lowest point in the watershed boundary unless a study prepared by a registered professional engineer demonstrates that a lower elevation would be safe from the danger of inundation by the 100-year flood.
3. Along areas of unmapped streams subject to special flood hazard. All small streams and creeks subject to periodic flooding which are unmapped and unzoned on Ashland City's flood hazard boundary map or rate maps, but are depicted either on U.S.G.S. topographic maps or as streams or tributaries on any of Ashland City's official flood maps are subject to the requirements as cited within Section 4.120 of this Ordinance.

B. Uses Permitted:

In the F-1, Floodway District, the following open-type uses are permitted in the floodway subject to the approval of the planning commission and to such

conditions as the planning commission may specify to preserve the character of adjoining districts and to protect the public interest.

1. Uses permitted in the floodway district adjacent to residential districts:

- a. Agriculture and forestry uses, general farming, truck gardening, cultivation of field crops, orchards, nurseries, turf farming, livestock grazing, and other uses of a similar nature.
- b. Open-type public and semi-public recreational uses or facilities such as golf courses, driving ranges, archery ranges, picnic grounds, parks, playgrounds, and other uses of a similar nature provided no principal structure is located within the floodway.
- c. Yard areas, lawns, green and open spaces, wildlife habitat and refuges, hiking trails, nature trails, bikeways, and other uses of a similar nature.
- d. Railroads, streets, and bridges, provided "no-rise" certificates are submitted therewith.
- e. Public or private utilities.
- f. Marinas and boat launching ramps provided that no principal buildings are located within a floodway.

2. Uses permitted in floodway adjacent to commercial and industrial districts:

- a. Any of the above permitted uses.
- b. Loading and unloading areas, parking lots, and other uses of a similar nature provided no principal structure is located within the floodway.

C. Uses Prohibited:

The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or that could be injurious to human, animal, or plant life. The storage or dumping of wrecked or junked automobiles, machinery, or appliances.

D. Requirements for Permitted Uses for Areas of Special Flood Hazard With Established Base Flood Elevation and With Floodways Established:

Located within all areas of special flood hazard where streams exist with base flood data and floodways also provided, the following provision applies:

No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles. In all such cases a "no-rise" certificate shall be completed, professionally stamped, and signed:

1. No new structure for human habitation, including manufactured homes as defined in Section 4.120.D, modular homes, or cabins shall be permitted within any designated floodway.
2. The following shall not be placed or caused to be placed in any designated floodway or in any stream channel: fences (except one-or two-wire stock fences), dams, embankments, levees, dikes, piles, abutments, fill, culverts, bridges, structures, or matter in, along, across, or projecting into the floodway or stream channel which may constrict, retard, impede, or change the direction of the flow of floodwaters, either in itself or by catching debris carried by such water, or that is placed where the flow of floodwaters might carry the same downstream to the detriment of life or property.
3. When a developer proposes to offset the effects of a development in the floodway or on the flood-carrying capacity of any stream by the construction of channel improvements, he shall submit to the planning commission and engineering study which fully evaluates the effects of such development. The study shall use the 100-year flood as herein defined as the basis of such analysis. All adjacent communities and the Tennessee Local Planning Assistance Office shall be notified by the developer via certified mail

of all such intended activities prior to any alteration or relocation of a watercourse, and he shall submit copies of such notifications to the Federal Insurance Administrator. In addition, the developer shall assure the Town of Ashland City, in writing, that the altered or relocated portion of the watercourse will be maintained such that its flow capacity is not diminished by debris accumulation, silt deposition, or vegetative growth.

4. Within any designated floodway any building or structure in existence prior to the effective date of these flood damage prevention requirements that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if all the requirements are met:
 - (a) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.
 - (b) Nonresidential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one (1) foot above the level of the 100-year flood or the structure is floodproofed (in accordance with the requirements of Section 4.110.B.) to a height of at least one (1) foot above the level of the 100-year flood.
 - (c) Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point above the level of the 100-year flood, in accordance with the requirements of Section 4.110.A.
 - (d) The level of the 100-year flood shall not be increased above that demonstrated in the Flood Insurance Study, Town of Ashland City, Tennessee, by such reconstruction.
5. No permit shall be issued for the construction or erection of any structure (temporary or permanent), including railroads, streets, bridges, and utility, or for other development (temporary or permanent) within a designated

floodway until the plans for such development have been submitted to the planning commission, and approval is given in writing for such construction or use.

6. In its review of the plans submitted, the planning commission shall be guided by the following standards, keeping in mind that the purpose of the floodway is to prevent floodplain encroachment which will increase flood heights or endanger life or property:

(a) No structure (temporary or permanent), fill (including fill for roads levees, railroads, etc.), culvert, bridge, storage of equipment or materials, or other development shall be permitted which, acting alone or in combination with existing or future uses; decrease's the flow capacity of the floodway or increases flood heights.

(b) Any permitted structure or filling of land shall be designed and constructed on the property so as to offer the minimum obstruction to and effect on the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjacent structures.

(c) Any permitted structure shall be of adequate structural strength to withstand the effects of water pressure and flood velocities and shall be firmly anchored to prevent flotation or lateral movement.

5.055. Historic District. It is the intent of this district to preserve the historic sites and structures of the Town of Ashland City. The requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote the education and patriotic heritage of the present and future citizens of the community.

5.055.1 H-1, Historic District:

A. Regulations Established.

In order to achieve the intent of the H-1 Historic District, as shown on the official Zoning Map of Ashland City, Tennessee, the following regulations shall apply:

1. Any use permitted by the existing zoning classification is also permitted by the H-1 Historic District.
2. The H-1 District classification may be superimposed as an overlay zone in addition to the existing zoning classification where the following criteria shall be determined to exist by the Historic District Commission.

The quality of significance in American History, architecture, archeology, and culture is present in districts, sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- a. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. that are associated with the lives of persons significant in our past; or
- c. that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. that have yielded, or may be likely to yield, archaeological information.

B. Administration

1. No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the H-1 District shall be issued by the Building Inspector until it is submitted to and receives approval in writing by the Historical District Commission.

2. Administration shall be by the office of the Building Inspector and the Historical District Commission and all items regulated within the H-1 District shall be submitted to the Historical District Commission (through the office of the Building Inspector) for its review.

3. Building Permit Required.

All alterations, additions, or new construction which, previous to the establishment of this H-1 District, required that application be made for a Building Permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition it shall be required that application be made in the same manner for any work, including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.

4. It shall be the responsibility of the Historic District Commission to prepare and submit to the Ashland City Council design review guidelines which shall be used by the Historical District Commission in the consideration of any application for certificate of appropriateness applied for under this ordinance. No application may be considered by the Historic District Commission until such time as said guidelines have received approval of the City Council.

5. Building Permit Procedures

(a) Applications for building permits within the H-1 District shall be made to the office of the Building Inspector and all such applications shall be referred directly to the Historic District Commission. The Historic District Commission shall have broad powers to request detailed construction plans and related data pertinent to a thorough review of any application.

(b) Upon receiving an application for a Building Permit the Historic District Commission shall, within thirty (30) days following the availability of sufficient data, issue to the office of the Building Inspector a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.

(c) The office of the Building Inspector shall additionally review applications for Building Permits (which have received written approval from the Historic District Commission) in the same manner review is made of Building Permit applications outside of the H-1 District, and final issuance or rejection shall additionally be based upon the requirements of the basis zoning district, as well as the adopted Building Codes of the Town of Ashland City. The fee charged for Building Permits within the H-1 District shall conform to existing fee schedules for Building Permits, as utilized in any other zoning district within the Town of Ashland City.

C. Historic District Commission

1. Creation and Appointment

In accordance with Tennessee Code Annotated 13-7-401, a Historic District Commission is hereby established. The Mayor and City Council shall create a five (5) member Historic District Commission which shall consist of a representative of a local patriotic or historical organization; an architect, if available; a member of the Planning Commission, at the time of his appointment; and the remaining members shall be appointed from the community in general. Historic District Commission members shall be appointed by the Mayor, subject to confirmation by the City Council. Appointments to membership on the Historic District Commission shall be arranged so that the term of one member shall expire each year and his successor shall be appointed in the like manner in terms of five (5) years. All members shall serve without compensation. The members of the Commission shall elect a Chairman from among themselves to preside over meetings.

2. Procedure

Meetings of the Historic District Commission shall be held at the call of the Chairman or by the majority of the membership. All meetings of the Commission shall be open to the public. The Commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this ordinance, by publication in an official newspaper or a

newspaper of general circulation at least seven (7) days immediately prior thereto. At least four (4) members of the Commission shall constitute a quorum for the transaction of its business. The concurring vote of three (3) members of the Commission shall constitute final action of the Commission on any matter before it. The Commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.

3. Powers and Duties

The Historic District Commission shall have the following powers:

- (a) To request detailed construction plans and related data pertinent to thorough review of any proposal before the Commission.
- (b) The Historic District Commission shall within thirty (30) days following availability of sufficient data, direct the granting of a building permit with or without conditions, or direct the refusal of a building permit providing the grounds for refusal are stated in writing.
- (c) Upon review of the application for a building permit, the Historic District Commission shall give prime consideration to:
 - (1) historic and/or architectural value of present structure;
 - (2) the relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
 - (3) the general compatibility of exterior design, arrangement, texture and materials proposed to be used;
 - (4) to any other factor, including aesthetic, which is deemed pertinent.

(d) Additional powers and duties:

(1) It shall be the duty of the Historic District Commission to make the following determination with respect to the historic district;

- i. Appropriateness of altering or demolishing any building or structure within the Historic District. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc. shall be at the expense of the applicant.
- ii. Appropriateness of the exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the Historic District.
- iii. Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.
- iv. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district.
- v. The general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Historic District Commission shall

not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

(2) Right of Entry Upon Land

The Commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance, but there shall be no right of entry into any building without the consent of the owner.

(3) Liability of Historic District Commission Members

Any Historic District Commission member acting within the powers granted by the ordinance is relieved from all personal liability for any damage and shall be held harmless by the city government. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the city government until the termination of the procedure.

(4) Jurisdiction

The Historic District Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgment of the Commission may have said order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in the Tennessee Code Annotated, Sections 27-9-102 and 27-4-103.

(5) Conflict of Interest

Any member of the Historic District Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said Commission shall be disqualified from participation in

the discussion, decision, or proceedings of the Historic District Commission in connection therewith.

D. Maintenance and Repair of Improvements

Every person in charge of an improvement in a historic district shall keep in good repair all of the exterior portions of such improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair.

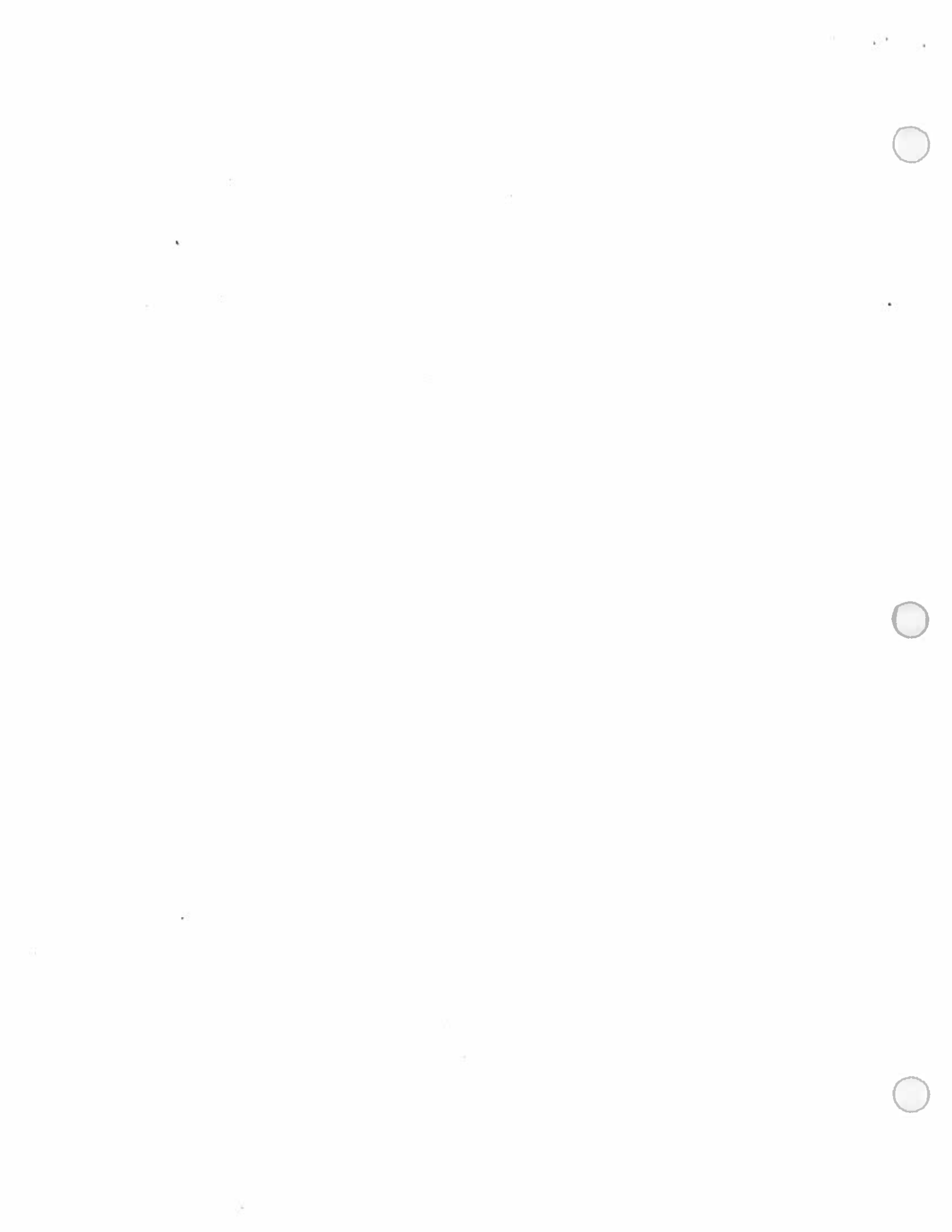
E. Remedying of Dangerous Conditions

In any case where a city enforcement agency shall order or direct the construction, removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this chapter shall be construed as making it unlawful for any person, without prior issuance of a letter of approval pursuant to this ordinance, to comply with such order of direction. However, the enforcement agency shall give the Commission notice of any proposed order or direction which affects or may affect the exterior appearance of any structure, or site, on or in the environs of a historic district. The Commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a historic district prior to the initiation of any said action.

F. Injunctive Powers and Penalties

- (1) Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens or is about to do or is doing any work in violation of the ordinance, the City Attorney for the Town of Ashland City shall, when directed by the Mayor or City Council, forthwith apply to an appropriate court for an injunction against such violation of this ordinance. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the City Attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.

- (2) A violation of this ordinance is punishable by a fine of not less than two dollars (\$2.00) and not exceeding fifty dollars (\$50.00) or by imprisonment not exceeding ninety (90) days, or by both such fines and imprisonment. Every day of violation may be held to constitute a separate offense.



ARTICLE VI

EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Nonconforming Buildings in Floodplain Districts
- 6.040 Bulk and Lot Size Non-compliance
- 6.050 Exceptions to Height Limitations
- 6.060 Lots of Record
- 6.070 Exceptions to Setback Requirements
- 6.080 Absolute Minimum Lot Size

6.010. Scope. ARTICLE VI of this ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in ARTICLE IV and ARTICLE V.

6.020. Nonconforming uses. The districts established in this ordinance (as set forth in district regulations in ARTICLE V) are designed to guide the future use of land in Ashland City, Tennessee by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions governing nonconforming uses set forth in this Article are therefore established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this ordinance is designed to restrict any expansion of such uses beyond the site which the use occupied upon the effective date of this ordinance.

In the case of buildings or other structures not complying with the bulk regulations of this ordinance, the provisions governing noncomplying buildings or other structures set forth in this Article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this ordinance in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare.

6.021. Provisions Governing Nonconforming Uses

Applicability

The provisions of this chapter are applicable to all uses which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations herein pertaining to nonconforming uses.

6.022. Construction or Use Permit Approved Prior to Ordinance Adoption

Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this ordinance, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this ordinance shall apply.

6.023. Repairs and Alterations

Nothing in this Article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

6.024. Zone Lot Containing Nonconforming Use

A zone lot containing a nonconforming use shall not be reduced in area except to comply with Section 6.023.

6.025. Continuation of Nonconforming Use

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use (See Section 6.026) is undertaken.

6.026. Change of Nonconforming Use

6.026.1 General Provisions

For the purpose of this chapter, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

6.026.2 Land With Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

6.026.3 Nonconforming To Conforming Use

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed again to a nonconforming use.

6.027. Expansion of Nonconforming Uses

6.027.1 General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

6.027.2 Land With Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

6.027.3 Adequate Space for Expansion

No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this ordinance, upon any open space required by this ordinance. All required yard setback requirements must be adhered to in any such expansion project.

6.027.4 Expansion Limited

Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

6.027.5 Expansion Upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of Section 6.030.

6.028 Damage or Destruction

6.028.1 General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

6.028.2 Change in Use Prohibited

No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in Section 6.026 above) to other than a permitted use.

6.028.3 Land in Use Prohibited

In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this ordinance) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structures or other improvements located thereon (as determined from the assessment rolls effective on the

date of damage or destruction), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

6.028.4 Infringement Upon Open Space Restricted

No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this ordinance.

6.028.5 Reconstruction of Flood Damaged Property

The provisions of Section 6.030 shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within a floodway district.

6.029 Discontinuance

When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

6.030. Special Provisions Governing Nonconforming Buildings within the Floodway District

6.030.1 General Provisions

In all districts or portions thereof which extend into the floodway districts as established by Section 5.054, any building or other structure or use which is not permitted by the floodway district provisions shall become nonconforming upon the effective date of this ordinance, or subsequent amendment as applicable.

6.030.2 Enlargement of Buildings Within the Floodway

A building or other structure which is nonconforming by reason of location within the floodway shall not be enlarged or expanded but may be altered, or repaired as set forth in Section 6.023 or as may be expressly authorized by the Board of Zoning Appeals in order to incorporate flood-proofing measures provided that such alteration will not increase the level of the 100-year flood or extend the normal life of such nonconforming building or structure.

6.030.3 Special Provisions Governing the Reconstruction of Building or Structure Located within the Floodway District

Within the floodway district any building or structure in existence prior to the effective date of this ordinance that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met.

- A. The reconstruction does not exceed the volume and external dimensions of the original structure and does not offer any greater obstruction to the flow of floodwaters than did the original structure.
- B. Nonresidential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one (1) foot above the level of the 100-year flood or the structure is floodproofed (in accordance with the requirements of Section 4.110 to a height of at least one (1) foot above the level of the 100-year flood).
- C. Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point at least one (1) foot above the level of the 100-year flood.
- D. That no reconstruction or alteration permitted herein shall result in any increase in the level of the 100-year flood.

6.040 Bulk and Lot Size Noncompliance

6.040.1 General Provisions

The provisions of this chapter shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

6.040.2 Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this chapter.

6.040.3 Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of Section 6.040.4 through 6.040.6.

6.040.4 Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of any portion of a building or other structure or parcel.

6.040.5 Buildings Noncomplying as to Lot Area

If a building does not comply with the applicable district regulations concerning the required lot area per dwelling unit (lot area being smaller than required for the number of dwelling units on such zone lot) such building may be converted (except when in the floodway district), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of 3,500 square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than 5,000 square feet).

6.040.6 Damage or Destruction of Noncomplying Uses

A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion thereof.

6.050 Exceptions to Height Limitations. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Height exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the planning commission.

6.060 Lots of Record. The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely in the opinion of the Board of Zoning Appeals as possible.

- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

6.070 Exceptions to Setback Requirements. The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

6.080 Absolute Minimum Lot Size. In no case shall the Building Inspector or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments which are constructed in compliance with the provisions cited herein in Section 4.070.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the ordinance
- 7.020 The enforcement officer
- 7.030 Building permits
- 7.040 Temporary use permits
- 7.050 Certificate of occupancy
- 7.060 Procedure for authorizing special exceptions
- 7.070 Board of Zoning Appeals
- 7.080 Variances
- 7.090 Amendments to the ordinance
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Effective date

7.010. Administration of the ordinance. Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered, or moved unless it is in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

7.020. The enforcement officer. The provisions of this ordinance shall be administered and enforced by the City Building Inspector. In performance of administering and enforcing this ordinance, he shall:

- A. Issue all Building Permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.

- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030. Building permits. It shall be unlawful to commence the excavation for, or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, or to commence the filling of land without a permit thereof, issued by the Building Inspector. If said excavation or construction is begun without a proper building permit, the building permit fee shall be double or twice the original cost of the permit, if legal compliance has been obtained as is required herein.

No Building Permit shall be issued by the Building Inspector except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application:

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of buildings or other structures already on the lot, as well as the elevation of the building site.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
5. Water and sewer line locations and sizes.

6. Location and size of existing and proposed drainage structures.
7. Distance to nearest street intersection from front corner of the lot.

B. Fee:

The Mayor and City Council shall establish a schedule of fees and a collection procedure for Building Permits. This schedule of fees shall be posted in the office of the Building Inspector as well as in another public place within the City Hall. Only the City Council may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit:

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the Building Inspector shall issue a Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this ordinance.

D. Construction Progress:

Any Building Permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance, or if the work authorized by the permit is suspended or discontinued for a period of six (6) months.

7.040. Temporary use permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the City Building Inspector, as provided for in ARTICLE IV, SECTION 4.030 of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Mayor and City Council. Such schedule shall be posted in the office of the Building Inspector as well as on a public bulletin board at City Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

7.050. Certificate of occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall

be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing giving the cause for such refusal.

7.060. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206 of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, as well as all pertinent information as cited within section 3.120.A. of this ordinance which is necessary to properly evaluate the effect that the request will have on adjacent and nearby properties, as per the various criteria cited herein in Section 7.060.C. All such applications shall be presented to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the Board of Zoning Appeals, if said request is to be officially entertained by the board of zoning appeals at it's next regularly scheduled meeting. All plans submitted as a part of this application shall be prepared by a licensed surveyor or, architect, or engineer certified to do business in the State of Tennessee.

B. General Requirements: A conditional use permit (a special exception) shall be granted provided the Board finds that it:

- a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- b. Will not adversely affect other property in the area in which it is located.
- c. Is within the provision of "Special Exceptions" as set forth in this ordinance.
- d. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrational, glare and/or, or odor effects of the special exception on adjoining properties, and properties generally in or nearby.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
4. Utilities, with reference to location, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, as well as the compatibility and harmony with properties in the district.
7. Required yards and other open space.
8. General compatibility with adjacent properties and other property in the district.
9. The following additional rules apply for upper story residential development proposals:
 - a. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
 - b. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Ashland City Municipal Code.
10. The ability to provide adequate fire protection to the site.

D. Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

E. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval process of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit:

All applications reviewed by the Board shall be decided within sixty (60) days of the date wherein such application is officially entertained by the Board, and the applicant shall be provided with either a written notice of approval or denial.

7.061. Conditional Use Permits. In addition to the requirements of the applicable district and the general requirements set forth above in Section 7.060.C, a conditional use permit shall be granted for the activities specified herein, only when the following standards established are met as part of the condition for issuing the permit in the applicable zone districts.

It shall be unlawful to issue any building permit or conditional use permit under Sections 7.030 and 7.060 of this ordinance to any use of land, if such a request for said permit is officially made after a period of twelve (12) months has lapsed between the date wherein the plans for said conditional use (special exception) were officially approved, and the date wherein a building permit for said use is officially requested. After this period of time has elapsed, all previously approved plans shall be considered null and void. Thereafter, a new set of plans prepared by either a licensed professional surveyor, architect, or engineer certified to practice in Tennessee, shall be prepared utilizing the current date, which must be resubmitted to the board of appeals under the requirements of Sections 7.060 and 7.061 for approval. No applicable permits shall be issued concerning said request until approval of such plans is obtained from the board of zoning appeals. Performance bonds or letters of credit for such plans shall be provided according to the following provisions:

1. All plans presented for review and approval as conditional uses (special exceptions) to the Ashland City Board of Zoning Appeals shall subsequently be bonded by way of either a performance bond or letter of credit, as per provision 4 below. This surety

instrument shall cover improvements shown on the site in the amount of one hundred and ten (110) percent of cost of said improvements.

2. Said improvements shown on such plans may include, but are not limited to, existing road improvements, buffer strips, landscaping requirements, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways including catch basins, and/or any other improvements required by the board of zoning appeals before such plans are approved.
3. The performance bond or letter of credit must be payable to the Ashland City Mayor and City Council.
4. The performance bond or letter of credit may be retained for a period of one year from the date wherein the building permit is issued for the structure/site requiring previous site plan approval as a conditional use (special exception). If improvements have been made within the one year period, the Mayor and City Council shall release the bond after the inspection of all required improvements, and approval of those improvements by the board of zoning appeals, or its authorized representative. If improvements have not been installed in a satisfactory manner, the Mayor and City Council of the Town of Ashland City shall retain and cash the performance bond to facilitate the completion of such improvements.

7.061.1 Special Conditions for Education Facilities:

- A. No such facilities shall be permitted on a zone lot unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- B. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site. In this respect, educational facilities shall be located either on major arterial or collector streets.
- C. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- D. The off-street parking requirements of this ordinance in Article IV, Section 4.010 shall apply.

7.061.2 Special Conditions for Religious Facilities:

- A. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- B. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area, thus reducing the impact upon such area.
- C. Such facilities shall be located only on major arterial or collector streets.
- D. All bulk regulations of the district shall be met.
- E. The off-street parking requirements of this ordinance in Article IV, Section 4.010, shall apply.

7.061.3 Special Conditions for Cultural and Recreational Services:

- A. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the zone district, except art galleries, libraries, or museums in which the primary activity is to be carried out indoors.
- B. All bulk regulations of the zone district shall apply.
- C. The off-street parking requirements of this ordinance shall apply.
- D. Fencing, screening, landscaping shall be provided as appropriate to protect the surrounding area.
- E. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on the properties within the surrounding area.
- F. The site and architectural plans shall first be approved by the planning commission taking into account the above conditions.

7.061.4 Special Conditions for Administrative Services:

- A. All of the bulk regulations of the zone district shall apply.

- B. The off-street parking requirements shall be as follows:

A minimum of one (1) space for each vehicle belonging to any agency or department, as well as one (1) space for each two (2) employees, plus additional spaces for the public, as determined to be necessary. The loading requirements in Article IV, Section 4.020. shall be met.

- C. The location of such facility shall be determined such that the most efficient services to the community are provided.
- D. The location of such facility shall not materially increase traffic on surrounding streets.
- E. The location of such facility shall not have an adverse effect on surrounding properties. Fencing, screening, and landscaping, may be required as appropriate to protect the surrounding residential area.
- F. The site plan for such facility is first approved by the planning commission taking into account the above factors as well as any other pertinent factors.

7.061.5 Special Conditions for Intermediate and Extensive Impact Facilities:

- A. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- C. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment.
- D. The off-street parking requirements shall be based upon a recommendation from the planning commission.
- E. The site plan for such facilities shall first be approved by the planning commission taking into account the above conditions, as well as any other pertinent factors related to the use and operation of such facility.

7.061.6 Special Conditions for Essential Public Transport, Communication, and Utility Services:

- A. The location of such facility shall be within an area in order to provide the most efficient service to the community.
- B. All of the bulk regulations of the zone district shall apply.
- C. The location of such facility shall not materially increase traffic on surrounding streets.
- D. The location of such facility shall not have an adverse effect on surrounding properties.
- E. There shall be provided along the entire site boundaries fencing, screening, and landscaping, as appropriate to protect the surrounding residential area.
- F. The site plan for such facility is first approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors.

7.061.7 Special Conditions for Special Personal and Group Care Facilities.

1. Family Day Care Homes:

- A. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district whichever is greater.
- B. All bulk and setback regulations of the district shall be met.
- C. One accessory off-street parking space for each five children accommodated in this child care facility shall be provided.
- D. Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to pick-up or deliver passengers. Such facilities shall provide for driveways that do not require any back-up movements by vehicles to exit the zone lot.
- E. All regulations of the State of Tennessee that pertain to the use shall be met.

F. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.

G. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

2. Special Conditions for All Other Uses in this Category. Associations for Physically or Mentally Handicapped Persons, Family and Group Care Facilities, Nursing Homes, Retirement or Rest Homes:

A. No such facility shall be permitted on a zone lot unless it contains a minimum of 10,000 square feet, or twice the lot area requirements of the zone district whichever is greater.

B. All bulk and setback regulations of the district shall be met.

C. The requirement of the accessory off-street parking regulations of this ordinance in Article IV, Section 4.010 shall apply.

D. All regulations of the State of Tennessee shall be met.

E. All public utilities and sewage disposal shall be available to the site, and shall be subject to approval by the Department of Water and Sewer, and site and architectural plans for such a facility shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

7.061.8 Special Conditions for Scrap Operation Activity (junk yard, salvage yard, etc.), in the I-3 District:

A. The location and topography of the site shall be situated so that fencing, screening, and landscaping can be provided as appropriate.

B. The scrap operation shall not include any open burning activity on the site.

C. The bulk regulations and performance standards of this ordinance shall apply.

D. Insect and rodent control measures shall be provided as approved by the County Health Department.

- E. All required fences and landscaped screens shall be maintained in a neat and attractive manner.
- F. The operation of such facility shall not have an adverse effect on the properties in the surrounding area.
- G. The operation and location of such facility shall not produce damaging pollution to surrounding streams.

7.061.9 Special Conditions for Group Assembly Activities:

- A. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- B. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- C. The off-street parking requirements shall be based upon a recommendation from the planning commission; and
- D. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- E. When an application for a Group Assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed:
 - (1) The minimum size site shall be twenty-five (25) acres;
 - (2) The minimum setback of all structures from all public roads shall be one hundred (100) feet;
 - (3) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval;
 - (4) Access to such facility shall be by a paved public road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential streets;

- (5) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary;
- (6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property;
- (7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities;
- (8) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structures may not be located within any required setback or buffer area.
- (9) A comprehensive traffic impact study must be prepared by a licensed engineer, in order that any necessary signalization improvements, or public way access improvements be facilitated.

7.061.10 Special Conditions for Feedlots and Stockyards:

- A. The location of such an activity shall be in an area sparsely developed during the length of time the use as a stockyard or feedlot is anticipated.
- B. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district; provided, however, that if such activity includes outdoor animal pens the minimum lot area shall be four (4) acres.
- C. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall indicate the following:
 - (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
 - (2) Location of the area in which the proposed keeping of animals is to be conducted.

- (3) Location of all proposed buildings, animal pens, roadways and other facilities proposed on the site.
- (4) Proposed method of drainage of the animal pens.
- (5) Proposed fencing of the site.
- (6) Insect, rodent, and odor control measures shall be provided to the satisfaction of the board of appeals.

D. The owner shall establish to the satisfaction of the board that the operation of such facility shall not have an adverse effect on the properties in the surrounding area.

E. In any instance where sales of any type are to be conducted at the site, the board shall assure that adequate parking is available.

7.061.11 Special Conditions for Mining Quarrying Activity.

A. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.

B. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:

- (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contours intervals shall be at two (2) foot intervals.
- (2) Location of the area in which the proposed quarrying activity is to be conducted.
- (3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
- (4) Proposed method of drainage of the quarry area.
- (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
- (6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.

- (7) Methods proposed to control noise, vibration and other particulate matter in order to meet the performance standards as set out in this ordinance.
 - (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be non-toxic, non-flammable, and non-combustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.
 - (9) A comprehensive traffic impact study of both volume and vehicle weight impacts as they relate to the existing and proposed street system. This study must be prepared by a licensed traffic engineer.
- C. Approval for Mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
- D. Before issuing a permit the board shall require the owner of the quarry facility to execute a bond not less than one thousand (\$1,000) or more than two thousand dollars (\$2,000) per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- E. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the manner and procedure as prescribed for an original application, and
- F. The site plan as required in ARTICLE III, SECTION 3.120 herein is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

7.061.12 Special Conditions for Intermediate Manufacturing (Commercial Storage of Explosives, etc.):

- A. The location of such an activity shall be in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility, or for similar cause.
- B. Such facility shall not be located on a site having an area of less than fifty (50) acres.
- C. All regulations of the State Fire Marshall and the Ashland City Fire Department relating to the storage of potential and/or octane explosives shall be met.
- D. Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- E. The site plan shall be approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

7.061.13 Adult Oriented Business Establishments as Defined in Article II, Subject to the Following Additional Restrictions:

- A. No adult-oriented establishment shall be operated or maintained in the City within two thousand (2,000) feet, measured from building to building, of a school, church, public recreation facility, day care facility, playground, or park.
- B. No adult-oriented establishment shall be operated or maintained in the City within thousand (1,000) feet, measured from intended building to property line, of a boundary of a residential zone (R-1, R-2, R-3, R-4, and R-5) or a lot devoted to residential use.
- C. No adult-oriented business establishment shall be operated or maintained in the City within thousand (1,000) feet, measured from building to building, of another adult-oriented business establishment.

7.070. Board of Zoning Appeals. In accordance with 13-7-205 Tennessee Code Annotated, a Ashland City Board of Zoning Appeals, consisting of five members, is hereby established. All members of such Board shall be appointed by the Mayor and City Council.

A. Term of Office of Board Members, Removal, and Vacancies:

The members of the Board of Zoning Appeals, shall serve for a three (3) year term, or until their respective successors are appointed and qualified. The Board first appointed shall serve respectively for the following terms: one for (1) year, two for (2) years, and two for (3) years. All members of the Board of Zoning Appeals shall serve with such compensation as may be fixed by the Mayor and City Council and may be removed from membership on the Board of Zoning Appeals for continued absence or just causes. Any member being so removed shall be provided, upon his/her request, a public hearing upon the removal decision. Vacancies of said Board of Zoning Appeals shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

B. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records and action taken thereon which shall be public records.

C. Appeals to the Board:

An appeal to the Ashland City Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board shall fix a reasonable time for the hearing of the appeal, given public notice thereof, as well as due notice to the parties in interest, and decided the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

D. Stay of Proceedings:

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector, and on due cause shown.

E. Appeal to the Court:

Any person or persons or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

F. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the Zoning Map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this ordinance.

7.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary

hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application:

After written denial of a permit, a property owner may make application for a variance, using the proper form which is required for requests before by the Board of Zoning Appeals.

All applications must contain all pertinent information as cited in section 3.120.A. within this ordinance necessary to clearly ascertain the relationship of the applicable land use to it's subject property, as well as to all adjacent properties, along with any necessary supporting information as required, in order that the board be able to clearly analyze and evaluate said variance request. Furthermore, said request or application shall be presented to the office of the building inspector no later than twenty (20) days prior to the next regularly scheduled meeting of the Board of Zoning Appeals, if said request is to be officially entertained by the board of zoning appeals at it's next regularly scheduled meeting.

B. Fee:

A fee of fifty (\$50.00) payable to the Town of Ashland City shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings:

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within sixty (60) days of such hearing and in accordance with the standards provided below.

D. Standards for Variances

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.

2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
4. Financial returns only shall not be considered as a basis for granting a variance.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.
7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.

E. Standards for Variances Involving Special Flood Hazard Areas

The provisions of this section shall apply exclusively to areas of special flood hazard within the Ashland City Municipal Planning Area (the Ashland City Corporate Limits). The Ashland City Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

1. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a

historic structure and the variance is the minimum to preserve the historic character and design of the structure.

2. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
- a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

7.090. Amendments to the ordinance. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Mayor and City Council of the Town of Ashland City. Any member of the Mayor and City Council may introduce such legislation, or any

official, board, or any other person may present a petition to the Mayor and City Council requesting an amendment or amendments to this ordinance. These amendments must be in relation to the Comprehensive Plan and the general welfare of the community.

An application by an individual for an amendment shall be accompanied by a fee of one hundred (\$100.00) dollars payable to the Town of Ashland City, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description, and scale drawing of the land illustrating topographic contours at five (5) foot intervals and existing buildings shall be submitted with said application no later than the end of the working day twenty (20) days prior to the regularly scheduled meeting date of the planning commission.

The planning commission shall review and make recommendations to the Mayor and City Council on all proposed amendments to this ordinance.

The planning commission in its review and recommendation and the Mayor and City Council in its deliberation shall make specific findings with regard to the following grounds for an amendment and shall note that the same in the official record as follows:

- A. The amendment is in agreement with the general plan for the area;
- B. It has been determined that the legal purposes for which zoning exists are not contravened;
- C. It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
- D. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Ashland City Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days following the planning commission meeting wherein such amendment is entertained within which to submit its report. If the Planning Commission disapproves the amendment within the thirty (30) days, it shall require the favorable vote of a majority of the Mayor and City Council to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Whenever an application for an amendment to the text of this ordinance or for change in the zoning classification of any property is denied, the application for such amendment, shall not be eligible for reconsideration for one year following such denial, except in the following cases:

- A. Upon initiation by the Mayor and City Council, or Planning Commission;
- B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
- C. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

7.100. Penalties. Any persons violating any provision of this ordinance shall be guilty of a misdemeanor, and shall be fined not less than twenty-five (25) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

7.110. Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the City Attorney, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, or reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. Separability. Should any section, clause, or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be valid or unconstitutional.

7.130. Interpretation. Whenever the conditions of this ordinance require more restrictive standards than are required in or under any other statute, the requirements of this ordinance shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this ordinance, the conditions of such statute shall govern. Moreover, whenever there is a conflict between any portion(s) of this ordinance, that portion(s) containing the more restrictive requirements shall govern.

7.140. Effective date. This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

Certified by the Ashland City Municipal Planning Commission.

Date Chairman, Ashland City Municipal Planning Commission

Approved and adopted by the Mayor and City Council of the Town of Ashland City.

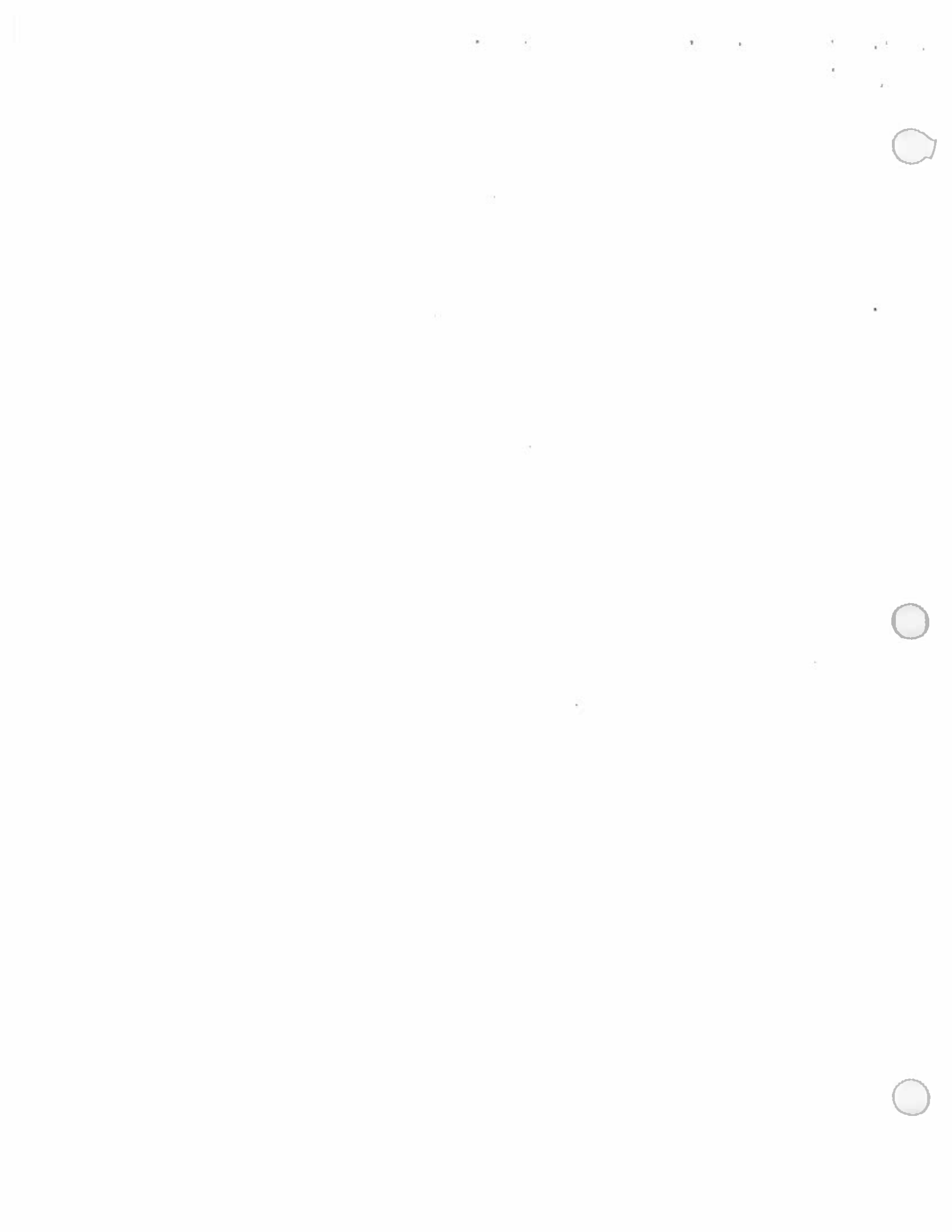
1st reading January 13, 1998

Date Mayor, Ashland City, Tennessee

ATTEST:

City Recorder

APPENDIX



CLASSIFICATION OF PLANT MATERIALS

For the purpose of this Ordinance, plant materials are classified into four (4) groupings: canopy trees, understory trees, evergreen trees and shrubs. A partial list of species suitable for bufferyard use and compatible with Cheatham County climate and soil conditions are listed below. Additional information on trees and shrubs pertaining to their compatibility with landscapes, soils and climates, can be found in the following sources:

- A. Native Trees, Shrubs, and Vines for Urban and Rural America, by Gary L. Hightshoe.
- B. Publication No. 814, Agricultural Research Service, USDA - Plant List
- C. Landscape Plants in Design, C.C. Martin, Jr.

Additionally, any plants with a proven record of success in Cheatham County may be proposed. A good source for additional information would be member growers of the Tennessee Nurserymen's Association.

PLANT SPECIES

TYPE OF PLANT

Canopy Trees
Acer Platanoides
Norway Maple
Acer Pseudoplatanus
Sycamore Maple
Acer Rubrum
Red or Swamp Maple
Carya
Hickory Species
Celtis Australis
European Hackberry
Celtis Laevigata
Sugar Hackberry
Fagus Grandifolia
American Beech
Ginkgo Biloba
Ginkgo or Maidenhair Tree
Gleditsia Triacanthos
Common Honey-Locust

Gymnocladue Dioicus
Kentucky Coffee Tree
Halesia Monticola
Mountain Silverball
Juqlans Regia
English or Persian Walnut
Liquidambar Styraciflua
Sweet Gum
Metasequoia Glyptostroboides
Dawn Redwood
Nyssa Sylvatica
Black Gum or Black Tupelo
Plantanum
Plane Tree Species
Populus
Poplar Species
Quercus
Oak Species

Evergreen Trees

Ilex
Holly Species
Juniperus
Juniper Species
Magnolia Grandiflora
Southern Magnolia
Pinus
Pine Species
Pseudotsuga Menziesii
Douglas Fir
Thuja
Arbor-vitae Species
Tsuga
Hemlock Species

Understory Trees

Acer Compestre
Hedge Maple
Acer Carpinifolium
Hornbeam Maple
Acer Ginnala
Amur Maple
Acer Palmatum
Japanese Maple
Aesculus Glabra
Ohio Buckeye
Amelancbier Grandiflora
Apple Serviceberry
Betula Poplifolia
Gray Birch
Carpinus Betulus Globosa
European Hornbeam
Carya Tomentosa
Mockernut
Cercis Siliquastrum
Judas Tree
Cornus Kousa
Japanese Dogwood
Cornus Mas
Cornelian Cherry
Cornus Officinalis
Japanese Cornel
Magnolia Stellata
Star Magnolia
Malus
Crab Apple Species

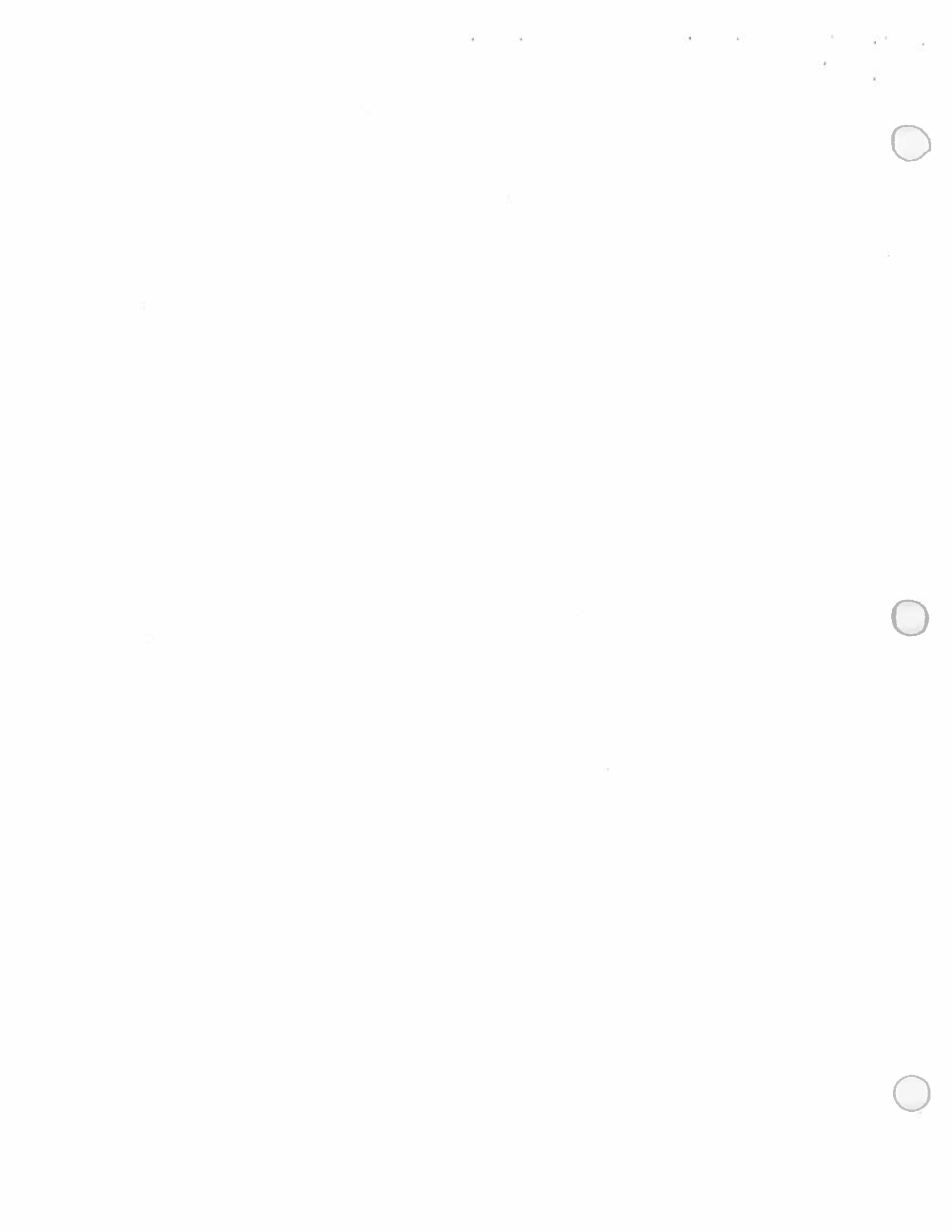
Prunus
Cherry Species
Quercus Marilandica
Black Jack Oak
Salix Babylonica
Babylon Weeping Willow
Styrax
Snowball Species
Cotinus Americanus
American Smoke Tree
Crataegus
Hawthorn Species
Elaeagnus Angustifolia
Russian Olive
Evodia Danielli
Korean Evodia
Franklinia Alatomaha
Franklinia
Halesia Carolina
Carolina Silverbell
Koelreuteria Paniculata
Golden Rain Tree
Laburnum
Laburnum Species
Magnolia Soulangeana
Saucer Magnolia

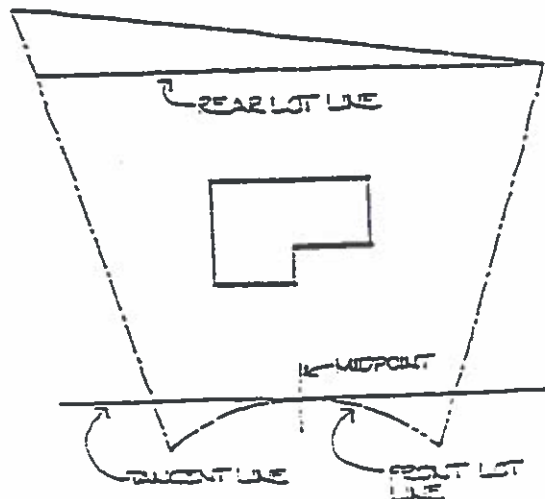
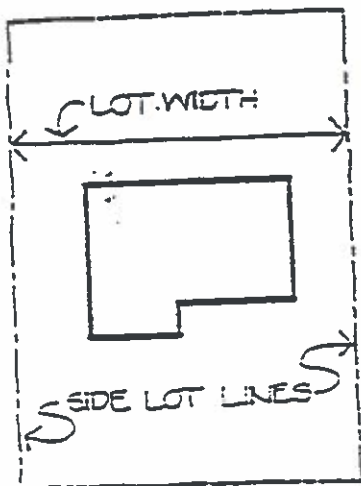
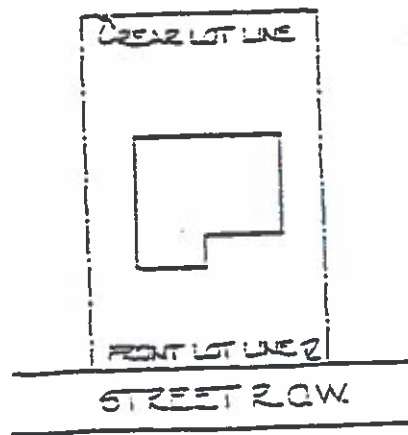
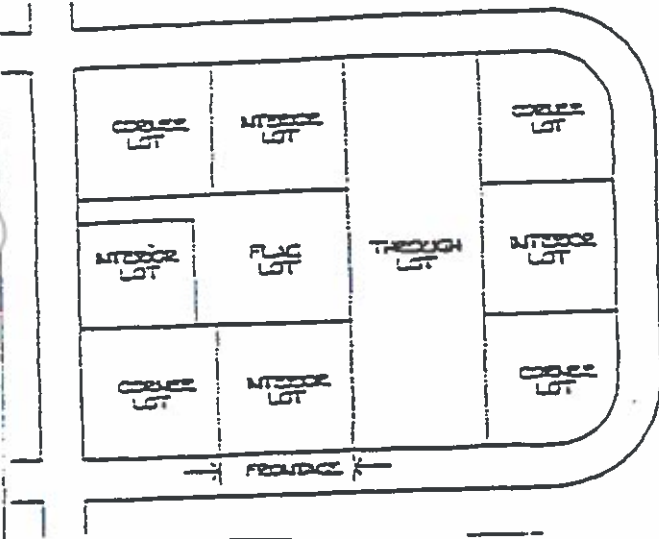
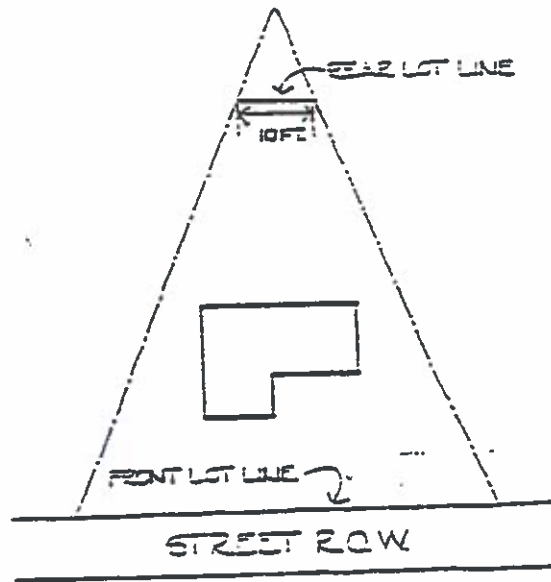
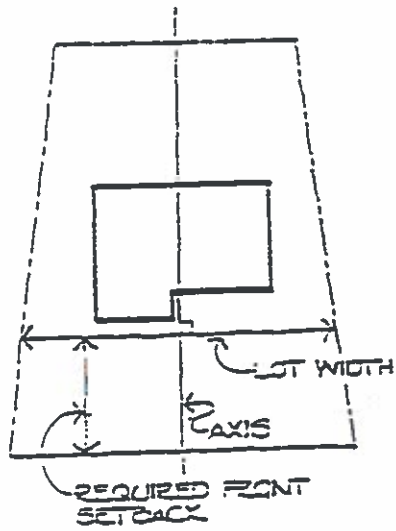
PLANT SPECIES

Shrubs

Alnus serrulata
Common Alder
Amphora Fruticosa
Indigobush Amphora
Aronia Arbutifolia
Red Chokeberry
Calycanthus Floridus
Common Sweetshrub
Cornus Racemosa
Gray Dogwood
Dirca Palustris
Atlantic Leatherwood
Euonymus Obovatus
Running Euonymus
Hydrangea arborescens
Smooth Hydrangea
Ilex Vertillata
Common Winterberry
Myrica Pensylvanica
Northern Bayberry

Pacistima Canbyi
Canby Pachistima
Pieris Floribunda
Mountain Piers
Quercus Ilicifolia
Scrub Oak
Rohdodenron Arborscens
Sweet Azalea
Ribes Missouriense
Missouri Gooseberry
Rosa Setigera
Prairie Rose
Rubus Allegheniensis
Allegheny Blackberry
Symphoricarpos Occidentalis
Western Snowberry
Vaccinium Corymbosum
Highbursh Blueberry
Viburnum Cassinoides
Witherod Viburnum

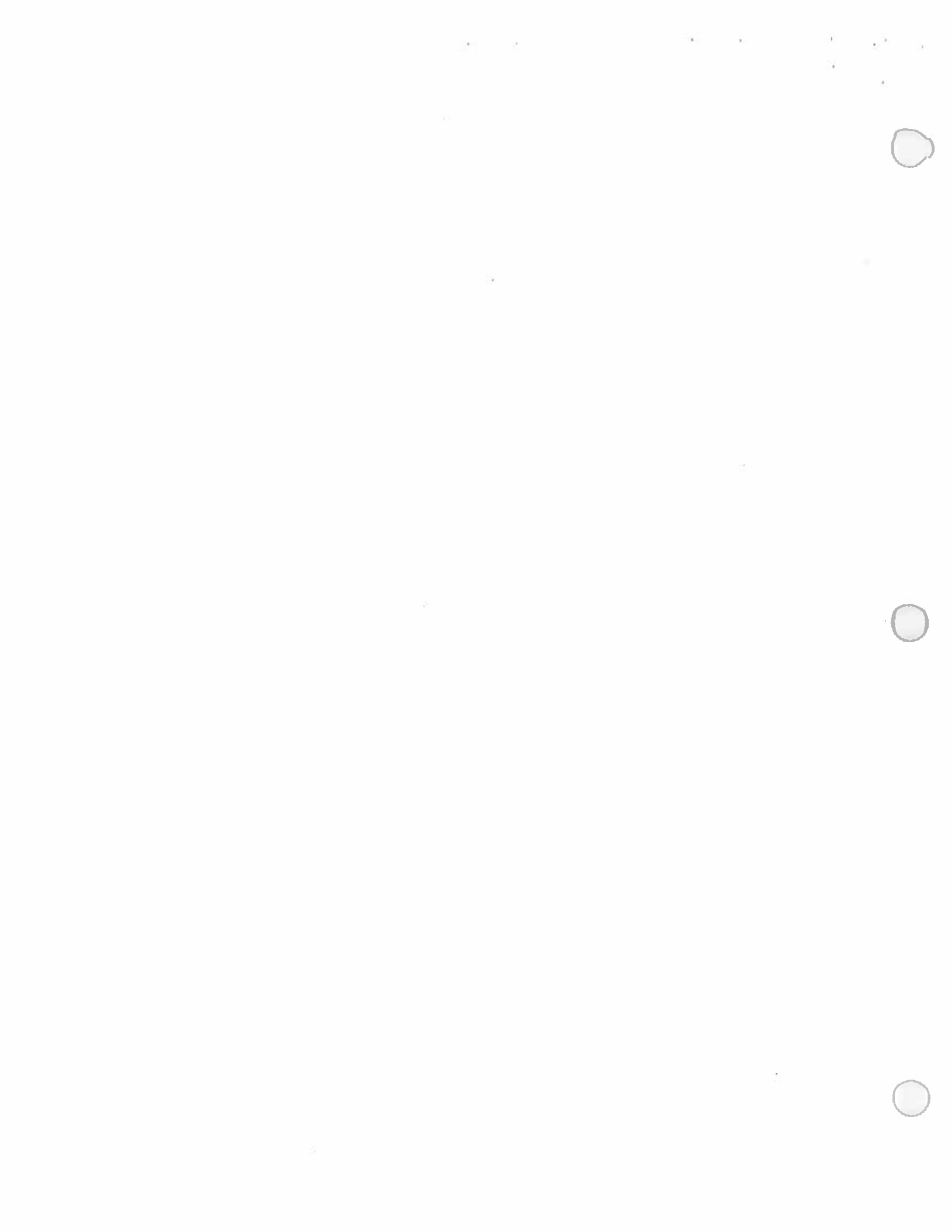




LOT ILLUSTRATIONS

TRIP GENERATION TABLE

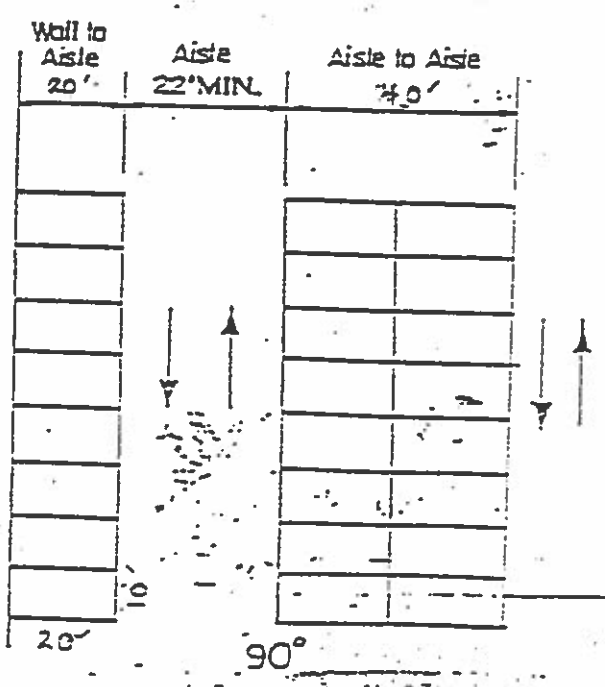
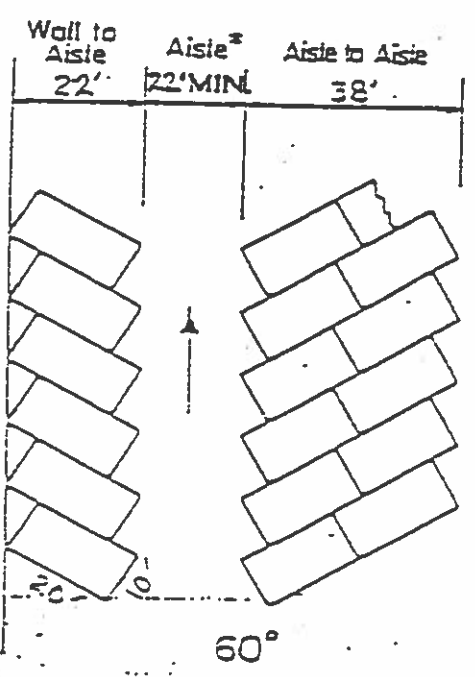
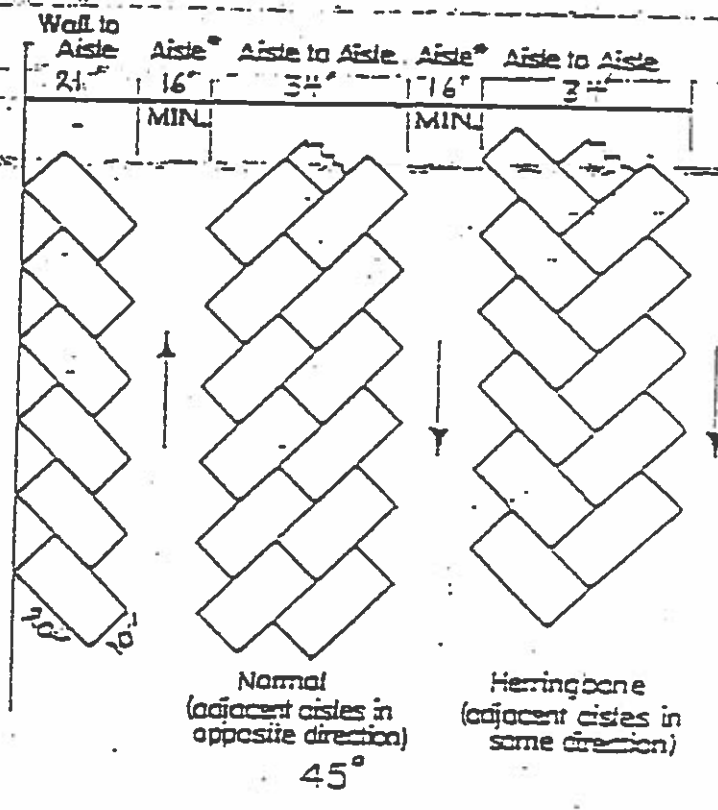
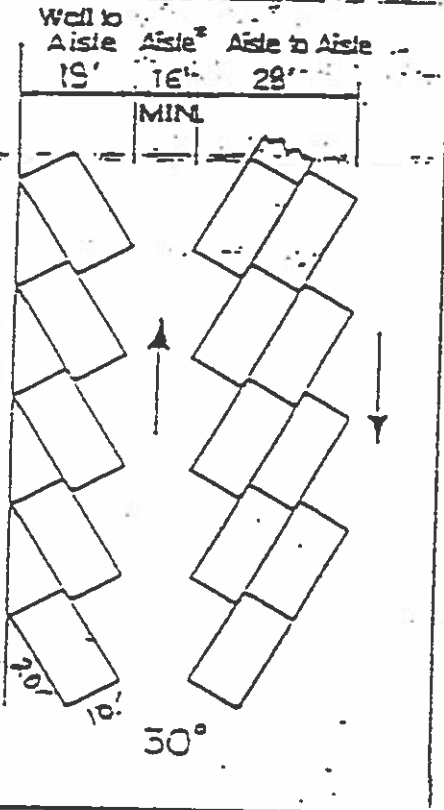
<u>Land Use</u>	<u>Number of Peak Hour Trips</u>	<u>Per</u>
Agriculture		
Residential		
Single-family detached	1.00	dwelling unit
Single-family attached	.85	dwelling unit
Multi-family apartment	.70	dwelling unit
Mobile home	.60	dwelling unit
Institutional		
Outdoor institutional	NA	NA
Elementary school	.25	student
High school	.30	student
College/university	.40	student
Day care/nursery school	NA	student
Hospital	1.30	bed
Nursing home	.30	bed
Single Family Retirement Attached or Detached	.40/D.U.	
Independent Living Congregate	.30/D.U.	
Assisted Living Congregate	.30/D.C.	
Commercial		
Office 0-100,000 gross sq.ft.	2.85	1000 gross s.f.
Office >100,000 gross sq.ft.	2.00	1000 gross s.f.
Medical Office	5.00	1000 gross s.f.
Research center	2.50	1000 gross s.f.
Specialty retail	2.25	1000 leasable s.f.
Discount store	7.00	1000 leasable s.f.
Hardware store	5.20	1000 leasable s.f.
Shopping center 0-49,000 s.f.	15.50	1000 leasable s.f.
Shopping center 50,000-100,000 s.f.	9.30	1000 leasable s.f.
Shopping center 100,000-199,999 s.f.	6.60	1000 leasable s.f.
Shopping center 200,000-499,999	5.10	1000 leasable s.f.
Shopping center over 500,000 s.f.	3.80	1000 leasable s.f.
Car Sales	6.00	1000 building s.f.
Restaurant, table service	10.35	1000 gross s.f.
Restaurant, counter service	22.20	1000 gross s.f.
Restaurant, drive up	80.00	1000 gross s.f.
Services	35.80	1000 gross s.f.
Gas Station	5.50	pump
Supermarket	15.70	1000 gross s.f.
Convenience store	54.80	1000 gross s.f.
Drive-up bank	44.00	window
Hotel/motel	1.00	room
Industrial		
Light Industrial 1.18	1000 gross s.f.	
Warehousing	1.63	1000 gross s.f.
Mini-warehouse	.32	1000 gross s.f.
Heavy Industrial	.69	1000 gross s.f.

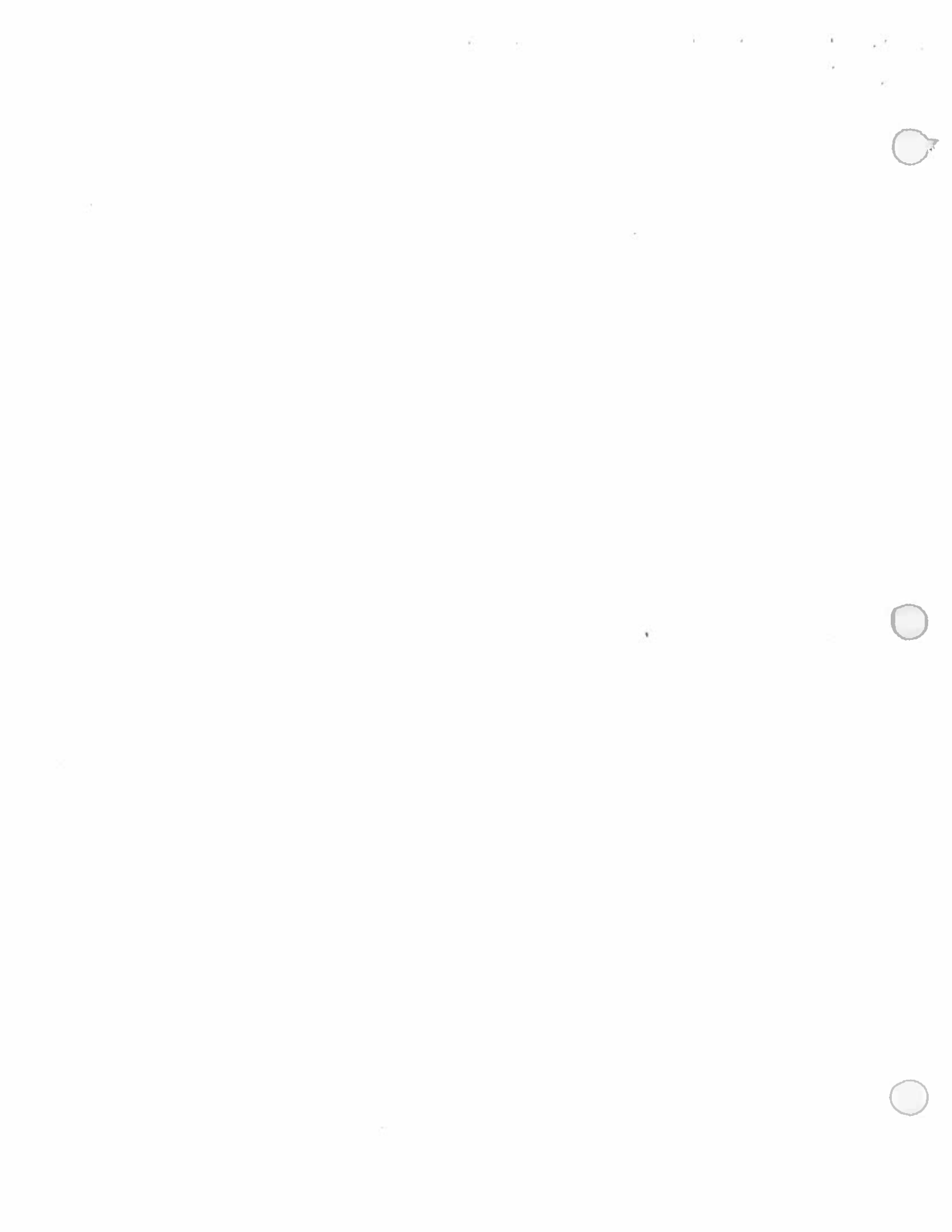


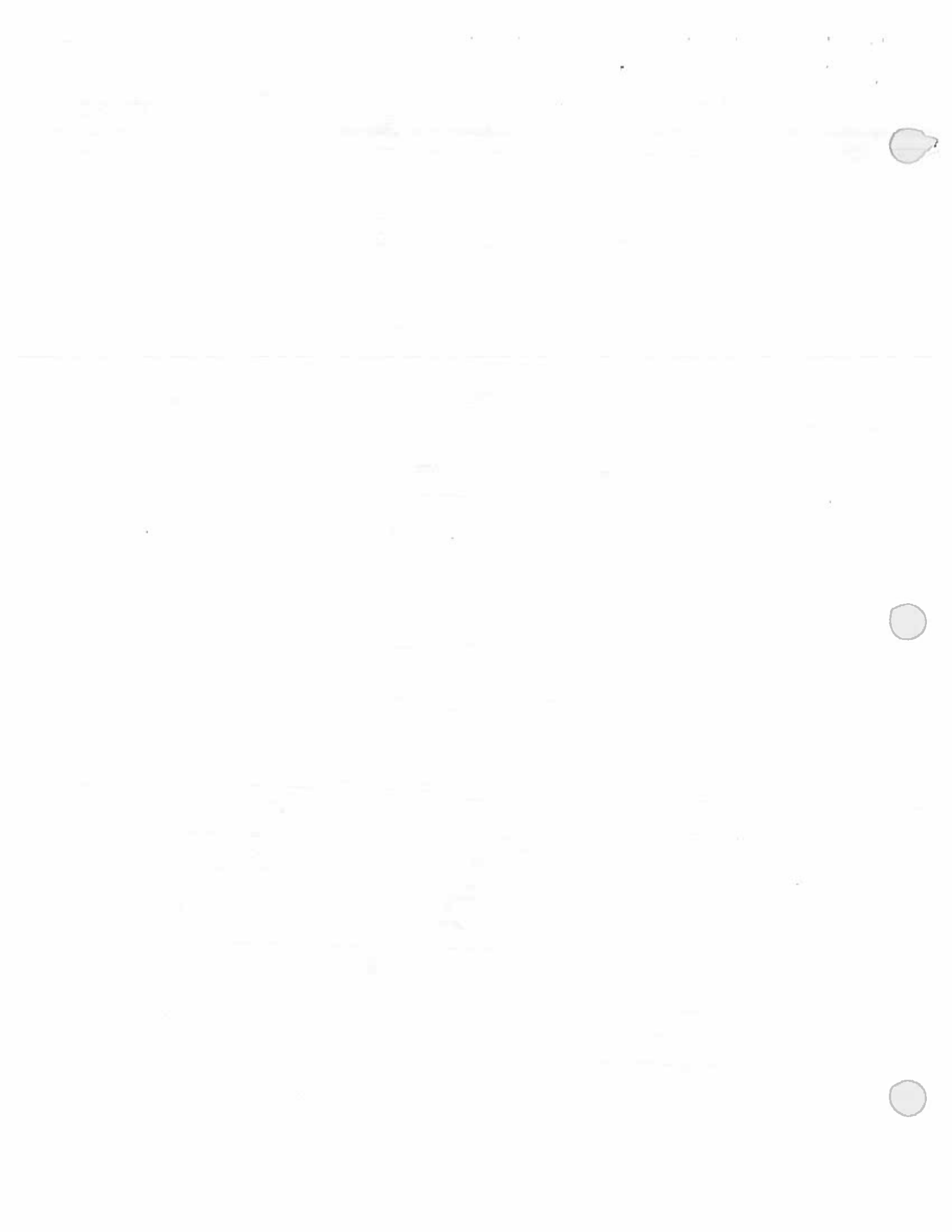
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SUGGESTED PARKING LOT CONFIGURATIONS

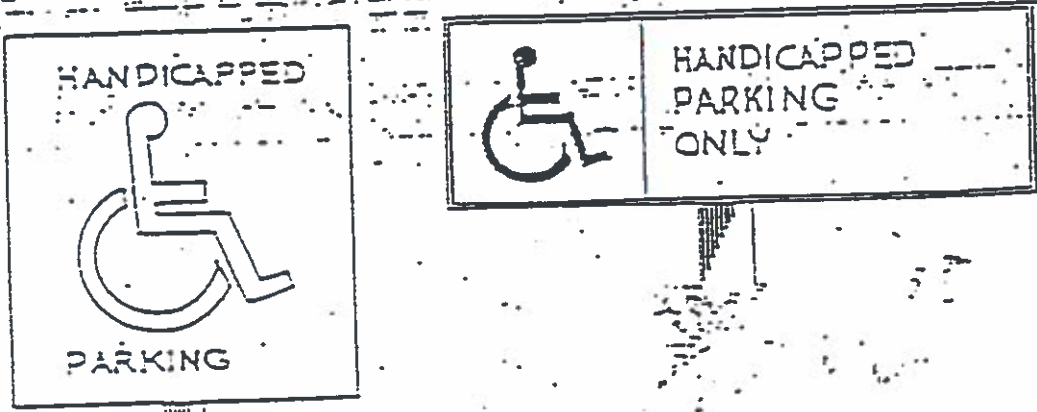
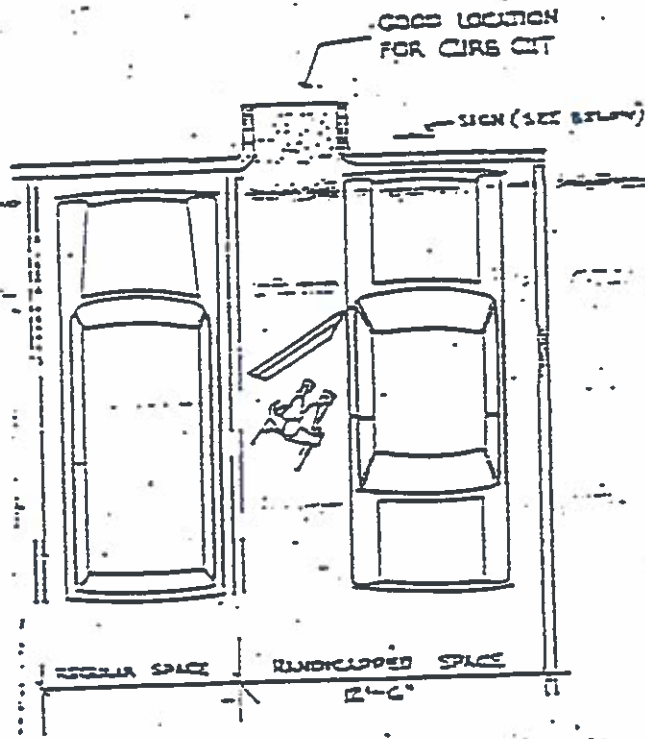
If aisles are designated as one lane, they must be a minimum of twenty (20) feet in width.



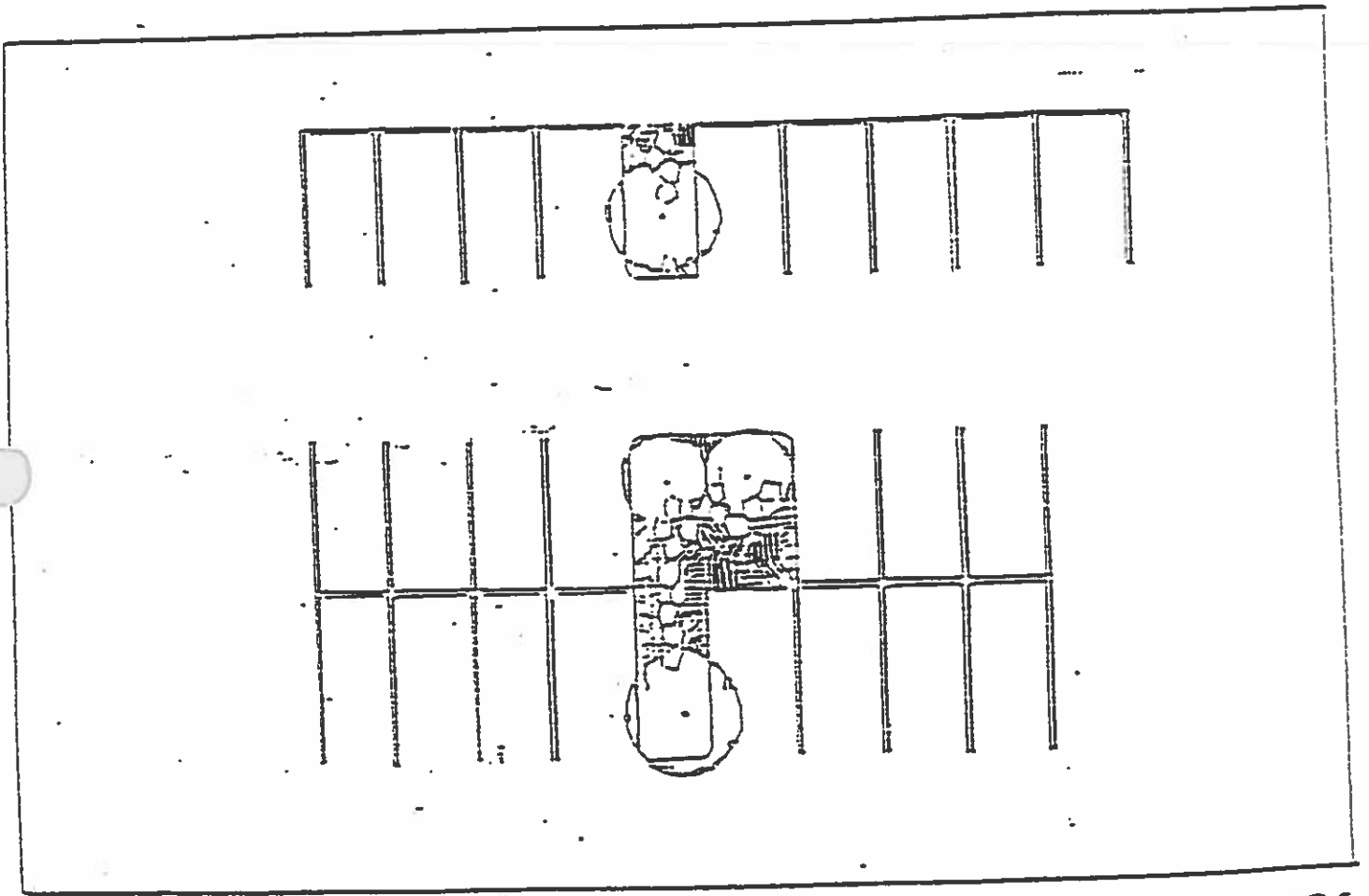




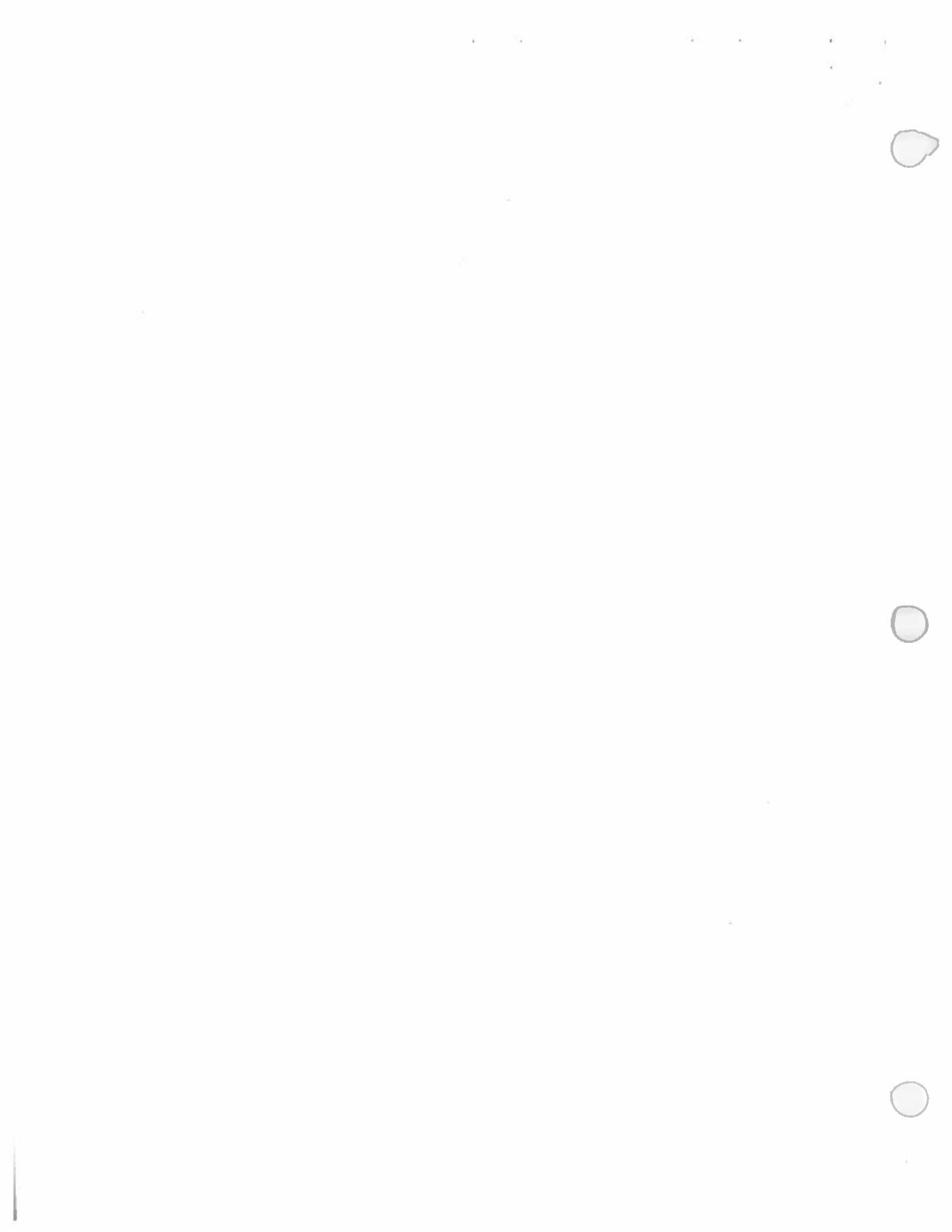
DESIGN DETAILS FOR HANDICAPPED
PARKING SPACES

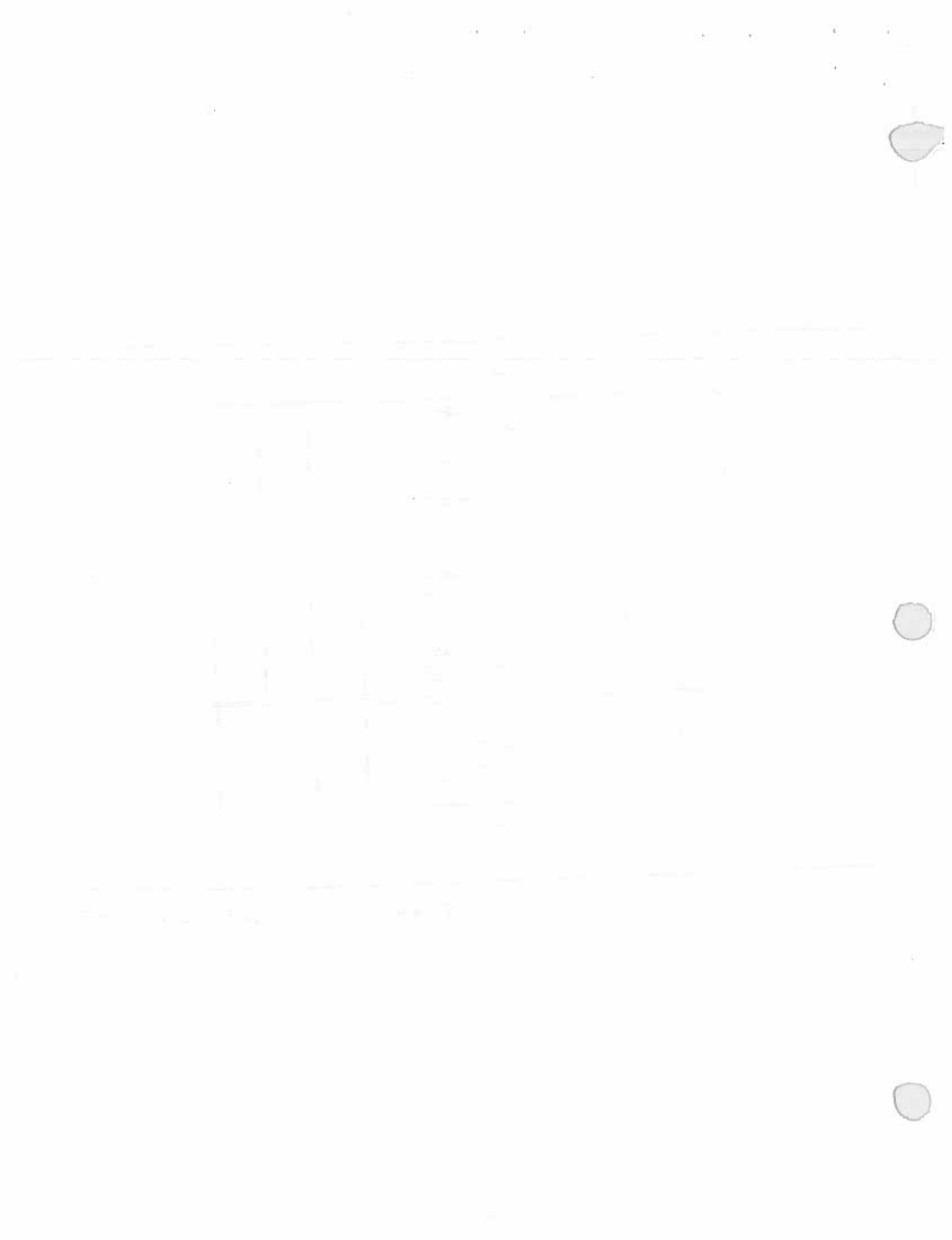


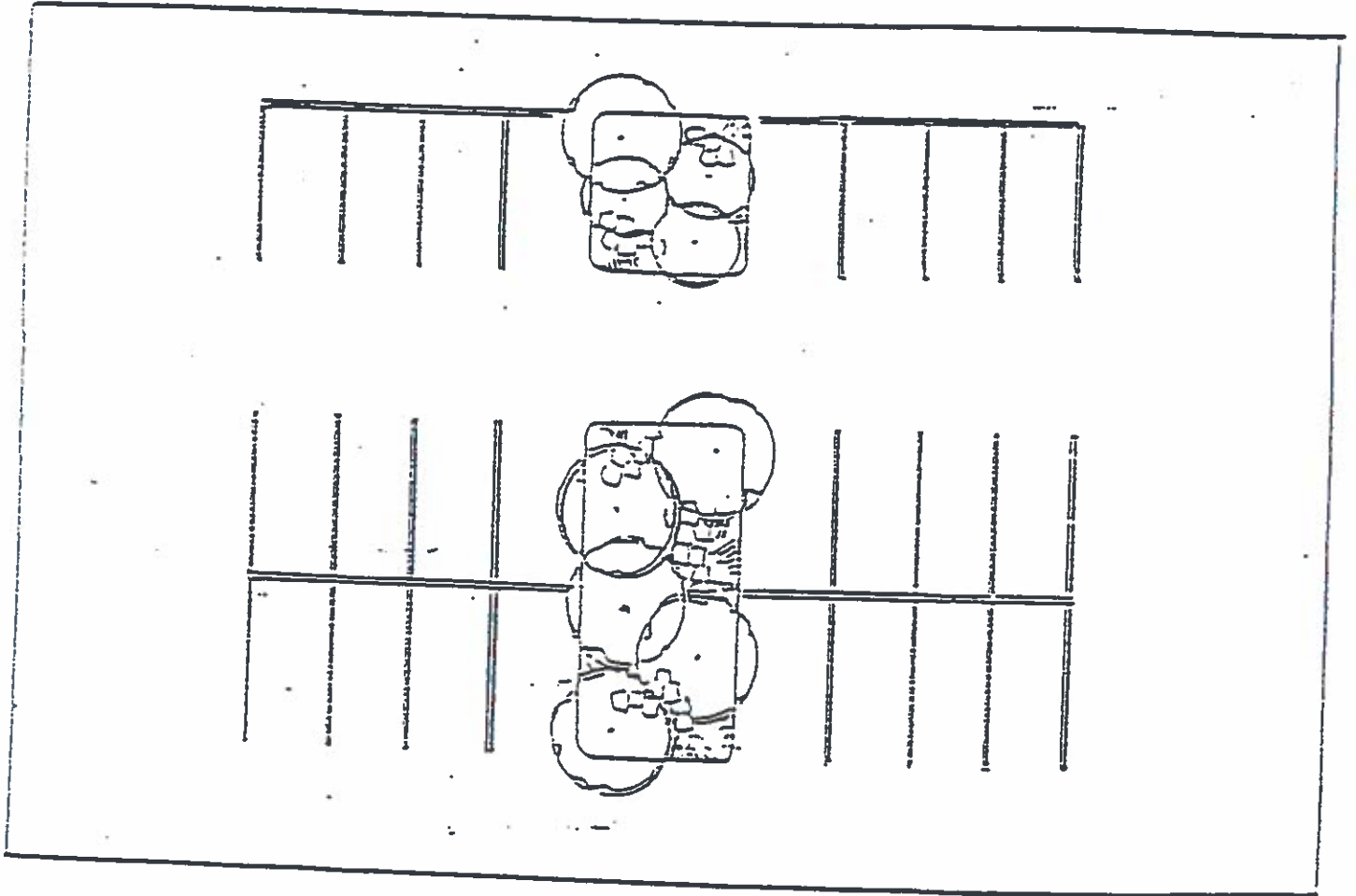
REQUIRED SIGNS DESIGNATING HANDICAPPED SPACES



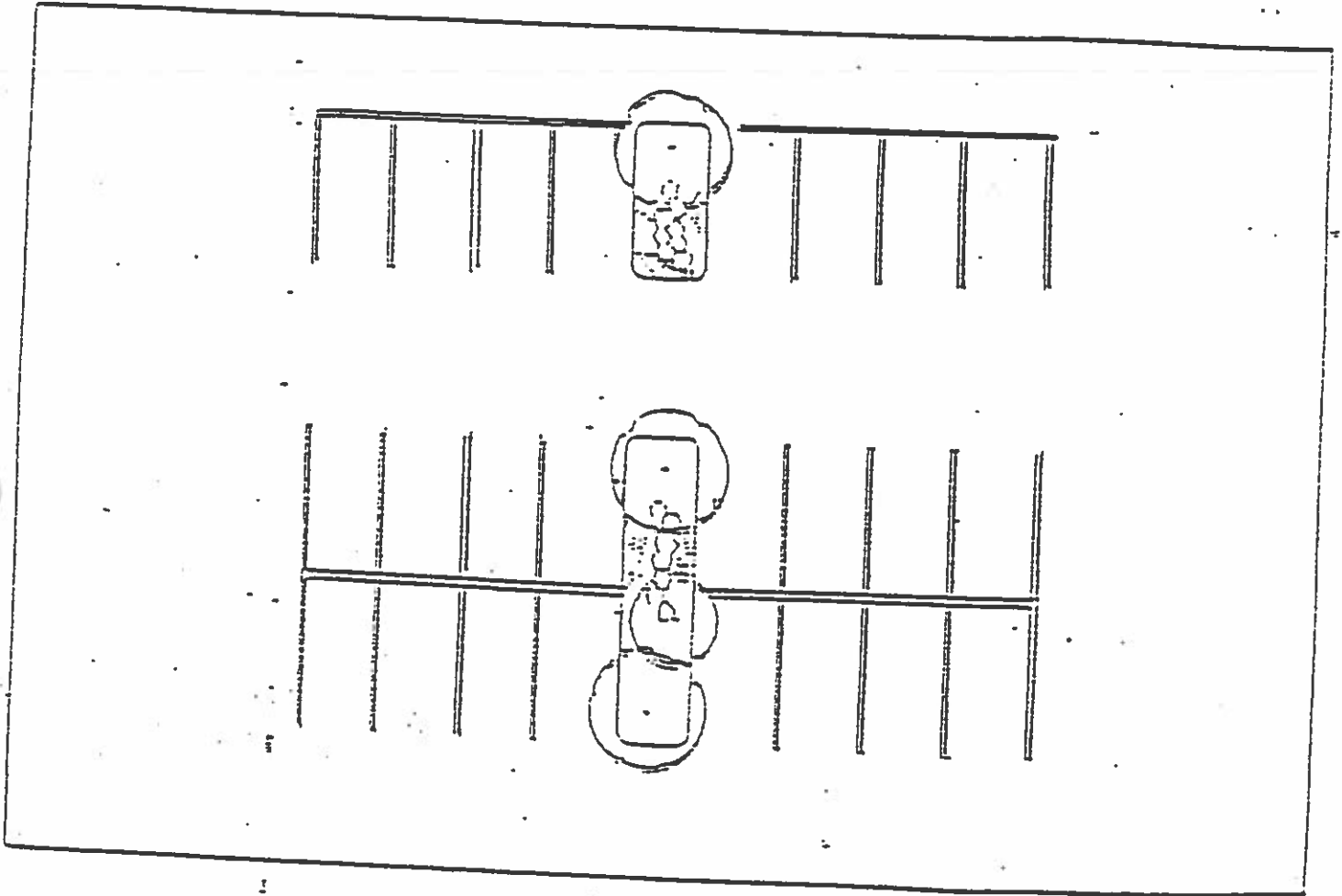
EXAMPLE LANDSCAPING ISLANDS



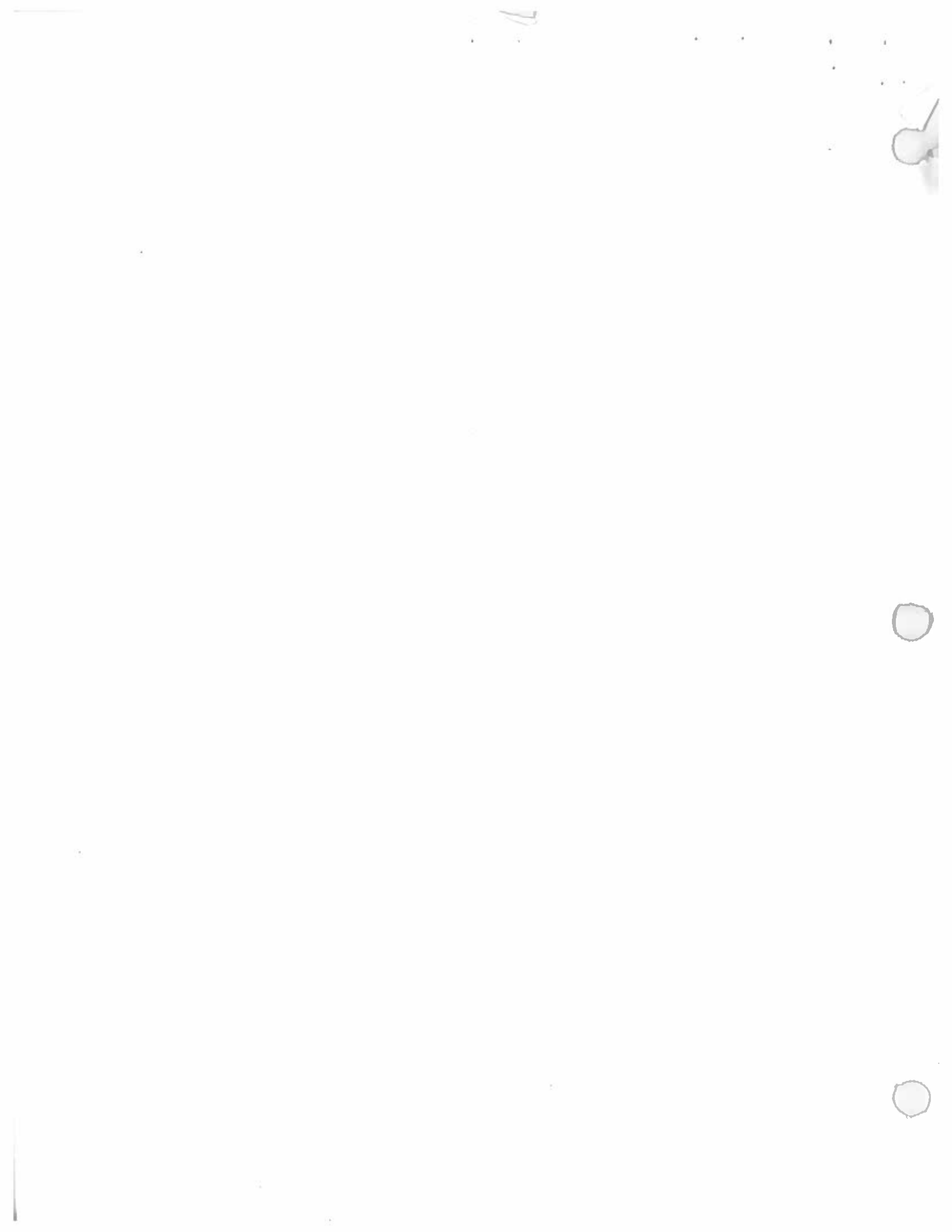


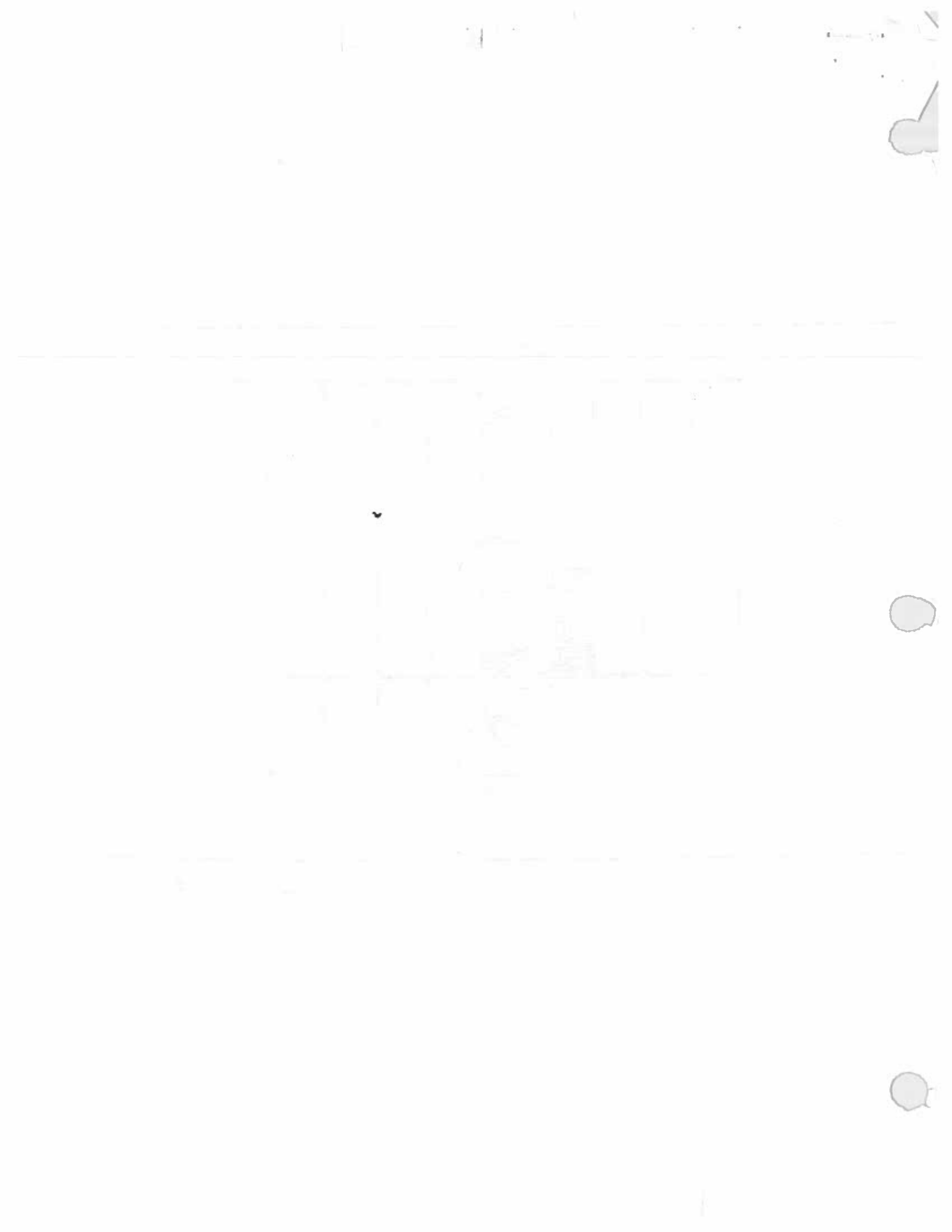


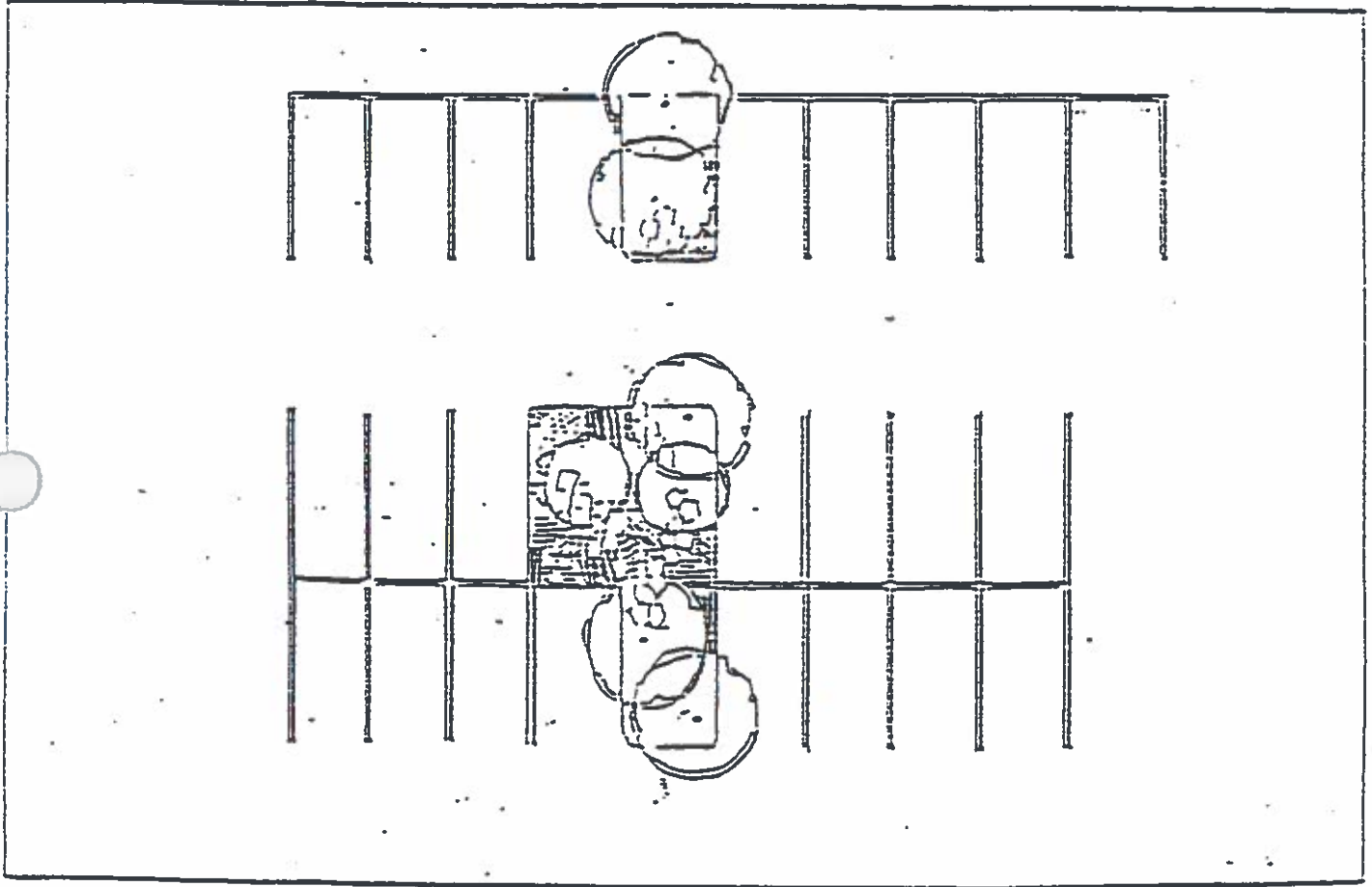
EXAMPLE LANDSCAPING ISLANDS



EXAMPLE LANDSCAPING ISLANDS







EXAMPLE LANDSCAPING ISLANDS