

ZONING RESOLUTION OF BEDFORD COUNTY, TENNESSEE



Certified by the Bedford County Regional Planning
Commission January 18, 1997

Date of Passage of Resolution by Bedford County
Commission January 13, 1998

Effective Date January 14, 1998

ZONING RESOLUTION

OF

BEDFORD COUNTY, TENNESSEE

LAST AMENDED: September 12, 2023

TABLE OF CONTENTS

BEDFORD COUNTY ZONING RESOLUTION

	PAGE
AMENDMENTS	vii
 ARTICLE I ENACTMENT	
1.010 Authority	1
1.020 Title	1
1.030 Enactment	2
1.040 Purpose	2
 ARTICLE II GENERAL PROVISIONS	
2.010 Scope	4
2.020 Only One (1) Principal Building on Any Lot	5
2.030 Lot Must Abut a Public Street or Easement	6
2.040 Reduction of Lot Area Prohibited	7
2.050 Obstruction to Vision at Street Intersection Prohibited	7
2.060 Access Control Future Street Lines	7
2.070 Accessory Use Regulations	8
2.080 Plot Plan Requirements	10
2.090 Landscaping and Buffer Strips	13
2.100 Corner Lots	23
2.110 Flag Lots	24
2.120 Lot Types	24
2.130 Historic Landmark Areas	29
2.140 Solar Orientation	29
2.141 Commercial, Non-Public Utility Power Generating Facility (NPU)	29
2.150 Outdoor Site Lighting Standards	32
2.160 Rear Yard Abutting a Public Street	33
2.170 Fences, Walls, and Hedges	34
2.180 Permitted Obstruction in Rear Yards	36
2.190 Borrow Pits	37
2.200 Off-Street Parking Requirements	39
2.300 Traffic Impact Study Requirements	47
 ARTICLE III SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS	
3.010 Accessory-Agricultural Operations	55
3.020 Accessory Dwelling Units (Guest House) ..	56
3.030 Adult-Oriented Business Establishments	57

3.040	Automobile Wrecking, Junk & Salvage Yards	58
3.041	Development Standards for Vehicle Storage	61
3.050	Bed and Breakfast Establishment	61
3.060	Community Assembly	63
3.070	Community Education (Private)	64
3.080	Cultural and Recreational Services	65
3.090	Customary Incidental Home Occupations	65
3.100	Day Care Homes	72
3.110	Drainage Structures and Storm Sewers	73
3.120	Fall-Out Shelters	77
3.130	Feedlots and Stockyards	77
3.140	Firearms Ranges & Training Facilities (Outdoor) and Related Activities	78
3.150	Flea Markets	84
3.160	Gasoline Service Station Restrictions	88
3.170	Group Assembly Activities (Large)(Arena's, Campgrounds).....	88
3.180	Group Assembly (Small) and Light Entertainments	93
3.190	Group Care Activities	93
3.200	Health Care Facilities	94
3.210	Homeless Shelters	95
3.220	Landfill or Hazardous Waste Facility (Disposal, Treatment)	96
3.230	Intentionally Left Blank	97
3.240	Manufacturing Activities (Extensive)	97
3.250	Manufacturing Activities (Intermediate)	98
3.260	Manufactured Homes (Individual)	99
3.270	Micro and Craft Distillery	101
3.280	Mining & Quarrying Activities	104
3.290	Mini-Storage Warehouses	106
3.300	Mobile Home Parks	108
3.310	Multi-Family Dwellings & Mobile Home Park Private	114
3.320	Personal Structures for Use by Property Owner	114
3.330	PUD and Cluster Residential Development	115
3.340	Private Airstrips	119
3.350	Shopping Centers	123
3.360	Signs Billboards, and Other Advertising Structures	125
3.370	State Route 437 By-Pass	129
3.380	Subsurface Disposal of Toxic Materials	131
3.390	Temporary Use Regulations	131
3.400	Telecommunication Antennas and Towers	136
3.410	Private Cemeteries	144
3.420	Wedding Facilities	146
3.430	Rural Village Neighborhood Development Regulations	149

ARTICLE IV ZONING DISTRICTS

4.010	Classification of Districts	150
4.020	Bedford County Zoning Map	151
4.030	Zoning District Boundaries	151
4.040	Specific District Regulations	152
4.041	A-1, Agricultural-Forestry District	152
4.042	R-1, Suburban Residential District	161
4.043	R-2, Medium Density Residential District	164
4.044	R-3, Residential Multi-Family District	167
4.045	PUD, Planned Unit Development Districts	171
4.046	C-1, Rural Center District	203
4.047	C-2, General Commercial District	208
4.048	OP, Office Professional Commercial District	214
4.049	M-1 General Industrial District	221
4.050	M-2 Special Impact Industrial District	226
4.060	Overlay Zoning Districts	241
4.061	Airport Overlay District	241
4.062	Shelbyville Gateway Overlay District	249
4.063	Bell Buckle Gateway Overlay District	254
4.064	Duck River Overlay District	258
4.065	Special Character District Regulations	259
4.066	Renewable Energy Development District	266
4.066.0	Bedford Co. Renewable Energy Overlay Zone	269
4.066.1	Bedford Co. Renewable Energy Overlay Zone Map	270
4.067	Special Character Zone Boundaries	271
4.067.0	Identified Special Character Zones & Boundary Maps	272

ARTICLE V BEDFORD COUNTY FLOOD DAMAGE PREVENTION PROVISIONS

5.010	Statutory Authorization, Findings of Fact, Purpose	277
5.020	Definitions	279
5.030	General Provisions	290
5.040	Administration	292
5.050	Provisions for Flood Hazard Reduction	299
5.060	Variance Procedures	308
5.070	Legal Status Provisions	311

ARTICLE VI EXCEPTIONS AND MODIFICATION

6.010	Scope	312
6.020	Nonconforming Use	312
6.030	Exceptions to Height Limitations	313
6.040	Lots of Record	313
6.050	Exception to Front Setback Requirements	314
6.060	Absolute Minimum Lot Size	314
6.070	Agricultural Use of Land	315

ARTICLE VII DEFINITIONS

7.010	Scope	316
7.020	Definitions	318

ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

8.010	Administration of the Resolution	377
8.020	The Zoning Compliance Officer	378
8.030	Zoning Compliance Certificates & Development Permits	379
8.040	Temporary Use Permits	383
8.050	Certificates of Occupancy	383
8.060	Bedford County Planning Commission	384
8.070	Board of Zoning Appeals – BZA	385
8.080	Procedure for Authorizing Special Exceptions – BZA	388
8.090	Variances – BZA	391
8.100	Amendments to the Resolution – Procedures – County Commission	393
8.110	Penalties	395
8.120	Remedies	395
8.130	Severability	396
8.140	Interpretation	396
8.150	Effective Date	396

SUPPLEMENTAL INFORMATION

Bedford County Major Thoroughfare Plan	398
Bedford County Zoning Map	399
Shelbyville TN Recommended Land Use Plan	400
Airport Overlay District	401
Shelbyville Gateway Overlay District Map	402
Bell Buckle Gateway Overlay District Map	403
Notes	404

AMENDMENTS

BEDFORD COUNTY ZONING RESOLUTION AMENDMENTS

Amendment 1. A resolution to amend **Article I**, Enactment Section 1.010 Authority; **Article I**, Enactment, Section 1.040 Purpose; **Article II**, General Provisions, Section 2.090; **Article II**, General Provisions, Section 2.100; **Article II**, General Provisions, Section 2.110; **Article III**, Supplementary Provisions Applying to Specific Districts, Section 3.060 (D); **Article III**, Supplementary Provisions Applying to Specific Districts, Section 3.080 (Attachment 1); **Article IV**, Zoning Districts, Section 4.041 (B): Item 6; **Article IV**, Zoning Districts, Section 4.041(C): Items 6 and 8; **Article IV**, Zoning Districts, Section 4.041 (C) Deleting and replacing Item 16 and adding items 17 through 22; **Article IV**, Zoning Districts, Section 4.041 (E), paragraph 3 of Item 5; **Article IV**, Zoning Districts, Section 4.041 (E) Item 6; **Article IV**, Zoning Districts, Section 4.042 (A); **Article IV**, Zoning Districts, Section 4.042 (C.1), item 13; **Article IV**, Zoning Districts, Section 4.042 (E.8); **Article IV**, Zoning Districts, Section 4.043 (A); **Article IV**, Zoning Districts, Section 4.043 (B), Item 8 and 10; **Article IV**, Zoning Districts, Section 4.043 (B), delete item 12; **Article IV**, Zoning Districts, Section 4.043 (C), delete items 3 and 8 then renumber; **Article IV**, Zoning Districts, Section 4.044 (B) adding item 30; **Article IV**, Zoning Districts, Section 4.044 (C) amend item 2; **Article IV**, Zoning Districts, Section 4.045 (A) adding last sentence; **Article IV**, Section 4.045 (C), deleting items 1, 7, 12, 13, and 14 then renumber; **Article IV**, Zoning Districts, Section 4.045 (E.4); **Article IV**, Zoning Districts, Section 4.046 (A); **Article IV**, Zoning Districts, Section 4.046 (B), amend item 7; **Article IV**, Zoning Districts, Section 4.046 (D) delete entire section and replace; **Article V**, Floodplain Districts Regulations, Section 5.050 (B.1); **Article VII**, Section 7.010, Definitions, deleted and replaced; **Article VIII**, Administration and Enforcement, Section 8.020, item G;

Article VIII, Administration and Enforcement, Section 8.060, adding items G through X; Article VIII, Administration and Enforcement, Section 8.070 (E.2), new sentence; Article VIII, Administration and Enforcement, Section 8.080 (B); Article VIII, Administration and Enforcement, Section 8.090 (A).

Adopted January 11, 2005

Amendment 2. A resolution to amend **Article IV** (a typing error), “minimum yard requirements” (side and rear setbacks).

Adopted June 12, 2007

Amendment 3. A resolution to amend **Article V** in its entirety and replace it with a new section titled: ***Bedford County Flood Damage Prevention Provisions.***

Adopted April 10, 2007

Amendment 4. A resolution to amend **Article IV** Zoning Districts, Section 4.041 (c) – Uses permitted as Special Exceptions by adding sub item **23. Accessory dwelling unit (guest house); and** **Article IV** Zoning Districts, Section 4.042 (c) – Uses permitted as Special Exceptions by adding sub item **13. Accessory dwelling unit (guest house); and,**

Article VIII Administration and Enforcement, Section 8.060 Procedure for authorizing Special Exceptions by adding sub item **Y. Special Conditions for Accessory Dwelling Units (guest house).**

Adopted January 8, 2008

Amendment 5. A resolution to amend Article IV, Section 4.041 Item No. 24 - Personal Structures for use by the Property Owner **and** Article III, Section 3.090 – Development Standards for Personal Structures for use by Property Owner **and** Article IV, Section 4.043 Item C **and** Article VIII, Section 8.060, as item Z – Special Conditions for Homeless Shelters **and** Article VII, Section 7.020 Definitions – *Homeless Shelters* and *Temporary Overnight Shelters*.

Adopted February 9, 2010

- Amendment 6.** A resolution to amend Articles II, Section 2.020 Only One (1) principle building on any lot, Article IV, Section 4.010 Classification of districts, Article IV, Section 4.043 PUD – Planned Unit Development District, and Article VII, Section 7.020 Definitions.

Adopted May 10, 2011

- Amendment 7.** A resolution to amend Article IV, Sections 4.041 thru 4.044, Specific District Regulations and Article VIII, Section 8.060, Procedure for Authorizing Special Exceptions.

Adopted July 12, 2011

- Amendment 8.** A Resolution to amend Article III, Section 3.020, Customary Incidental Home Occupations and Article IV, Section 7.020 Definitions.

Adopted October 11, 2011

- Amendment 9.** A Resolution to amend the following:
 Article II, Sections 2.020, 2.030, 2.060, 2.070, 2.080, 2.090, 2.100, 2.120 and added new sections 2.110, 2.230, 2.140, 2.150, 2.160, 2.170, 2.180, 2.190, 2.191, 2.192, 2.193, 2.194, 2.195, 2.196, 2.197;
 Article III, Sections 3.010, 3.020, 3.040, 3.060, 3.070, 3.080, 3.130, 3.260, 3.270, 3.290, and added new sections 3.030, 3.050, 3.090, 3.100, 3.110, 3.120, 3.140, 3.150, 3.160, 3.170, 3.180, 3.210, 3.220, 3.230, 3.240, 3.250, 3.280, 3.310, 3.320, 3.330, 3.340, 3.350, 3.360, 3.370, 3.380, 3.390, 3.400, 3.410, 3.420, 3.430, 3.440, 3.450;
 Article IV, sections 4.410, 4.030, 4.041 sections A, B and C, D and E, 4.042 Sections A, B, C, D, E, 4.043 section A, 4.044 section A, 4.045 section A, 4.046 sections A, B, C, D, and E, 4.047 sections A, B, C, D, and E, 4.048 section A, 4.049 sections A, B, C, D, E, F, G, 4.050 sections A, B, C, D, E, F, G, H, I, J, 4.060 – New Overlay District, 4.061 – New Airport Overlay District,

4.062 – New Shelbyville Gateway Overlay District, 4.063 – New Bell Buckle Gateway Overlay District, 4.064 – New Duck River Overlay District;

Article V – Flood Damage Prevention Provisions;

Article VI, Sections 6.020, 6.030, 6.060, 6.070;

Article VII, Definitions – added 141 new definitions;

Article VIII, sections 8.020, 8.030, 8.050, 8.070, 8.080, 8.090, 8.100 and added section 8.060 Bedford County Planning Commission.

Adopted: June 11th, 2019

Amendment 10. A resolution to amend the following:

Page ii date, Page x dates, Page xi Add new amendments;
Article II Sections 2.020, 2.080, 2.090, 2.180; Article III Sections, 3.010, 3.030, 3.040, 3.060, 3.070, 3.080, 3.090, 3.100, 3.140, 3.150, 3.160, 3.170, 3.180, 3.190, 3.200, 3.210, 3.230, 3.240, 3.250, 3.270, 3.280, 3.290, 3.360, 3.390, 3.400, 3.420; Article IV Sections 4.041, 4.042, 4.043, 4.044, 4.045, 4.046, 4.047, 4.048, 4.049, 4.050, 4.061, 4.062; Article VII Section 7.020

Favorable Recommendation by Bedford County Regional Planning Commission on May 07, 2019.

Passed Unanimously and **Adopted** by Bedford County Commission on June 11, 2019.

Amendment 11. A Resolution to Amend and Correct Technical Errors to the Zoning Resolution of Bedford County, Tennessee Version 10.9.

Cover page; page ii; page x; page ix; 2.020; 2.080; 2.090; 2.140; 2.141; 2.180; 3.010; 3.030; 3.040; 3.050; 3.060; 3.070; 3.080; 3.090; 3.100; 3.140; 3.150; 3.160; 3.170; 3.180; 3.190; 3.200; 3.210; 3.230; 3.240; 3.250; 3.270; 3.280; 3.290; 3.360; 3.390; 3.400; 3.410; 3.420; 4.041; 4.042; 4.043; 4.044; 4.045; 4.046; 4.047; 4.048; 4.049; 4.050; 4.061; 4.062; 7.020; 8.020; 8.030; 8.090.

Favorable Recommendation by Bedford County Regional Planning Commission on **March 03, 2020.**

Passed Unanimously and **Adopted** by the Bedford County Commission on **May 12, 2020.**

Amendment 12. A Resolution to amend Article IV, Section 4.060 Overlay Zoning Districts, adding Articles 4.065.0, 4.065.1, 4.065.2, 4.065.3, 4.065.4. and 4.066. A Resolution to Amend Article III, Section 3.360 by adding (G).

Favorable recommendation by Bedford County Regional Planning Commission on **September 1, 2020**

Passed and adopted by the Bedford County Commission on **October 13, 2020.**

Amendment 13. A Resolution to amend Article II, Section 2.141, Commercial Solar; Title, Preamble, Amend Standards under numbers 1; 2; 7; and 9. New Standards under numbers 11; 12; and 13. Amendment in Article IV, 4.041 (C), a new special exception under number 34; 4.041 (B) amend the permitted use under number 7. Amend Article IV, 4.046 (B) permitted uses, amend the permitted use under number 3. Amendment in Article IV, 4.047 (B), amend the permitted use under number 16. Amend Article VII, Section 7.020 Definitions by adding the definition NPU.

Favorable recommendation by Bedford County Regional Planning Commission on: **October 6, 2020.**

Passed and adopted by the Bedford County Commission on: **November 10, 2020.**

Amendment 14. A Resolution to amend Article III, Section 3.360 by the deletion of sign regulations related to Section 4.060, and the creation of a new section, 3.420; Article IV, Section 4.060 Overlay Zoning Districts by amending Section 4.065 (first passed Oct. 13, 2020), and the deletion of Section 4.066 and the creation of Section

4.067; and, Article VII, Section 7.020 Definitions, by the creation of new definitions related to Section 4.065.

Favorable Recommendation by Bedford County Regional Planning Commission on: **February 22nd, 2021.**

Passed and Adopted by the Bedford County Commission on: **April 13th, 2021.**

Amendment 15. A resolution to amend Articles II, IV and V by amending Section 2.141, 4.041, 4.046, 4.047 and the creation of 4.066 and its subsections 4.066.0 and 4.066.1 regulating Commercial, Non-Public Electricity Power Generating Facilities (NPU's), and, the adoption of amendments to Article V, Bedford County Flood Damage Prevention Provisions on behalf of the Tennessee Emergency Management Agency (TEMA), National Flood Insurance Program (NFIP) Coordinator for the purpose of continuing participation in the NFIP program.

Favorable recommendation by Bedford County Regional Planning Commission on: **July 20th, 2021.**

Passed and adopted unanimously by the Bedford County Commission on: **August 10th, 2021.**

Amendment 16. A resolution to amend Article II, Section 2.141 Commercial, Non-Public Utility Power Generating Facility (NPU), Subsection(s) (1), (4), & (6).

Favorable recommendation by the Bedford County Regional Planning Commission on: **January 25, 2022.**

Passed and adopted unanimously by the Bedford County Commission on: **March 8, 2022.**

Amendment 17. A resolution to amend Article II, Section 2.120. Lot Types (A.) Flag Lot, and related definitions in Article VII.

Favorable recommendation by the Bedford County Regional Planning Commission on: **February 28, 2023.**

Passed and adopted unanimously by the Bedford County Commission on: **April 11, 2023.**

Amendment 18. A resolution to amend Article III, section's 3.340 Private Airstrips, and 3.360 Signs, Billboards, and other Advertising Structures,

Favorable recommendation by Bedford County Regional Planning Commission on: March 28, 2023.

Passed and adopted unanimously by the Bedford County Commission on June 13, 2023.

Amendment 19. A resolution to provide general guidelines for the development of small private cemeteries on private property.

Favorable recommendation by Bedford County Regional Planning Commission on: May 23, 2023

Passed and adopted unanimously by the Bedford County Board of Commissioners on September 12, 2023

ARTICLE I

ENACTMENT

SECTION

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

1.010. AUTHORITY

A resolution, in pursuance of the authority granted by TCA Sections §13-7-101 through 13-7-401, *Tennessee Code Annotated*, to regulate, in the portions of Bedford County, Tennessee, which lie outside of municipal corporations:

- A. the location, height, bulk, number of stories and size of buildings and other structures;
- B. the percentage of the lot which may be occupied;
- C. the sizes of yards, courts and other open spaces;
- D. the density and distribution of population;
- E. the use of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding;
- F. to provide for the orderly and reasonable uses of solar, wind, water and other possible energy sources in the interest of public health, safety and general welfare;
- G. to provide methods of administration of this resolution; and,
- H. to prescribe penalties for the violation thereof.

1.020. TITLE

This resolution shall be known as the Zoning Resolution of Bedford County, Tennessee, dated **January 14, 1998**. The Zoning Map shall be referred to as the Official Zoning Map of Bedford County, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this resolution.

1.030. ENACTMENT

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF BEDFORD COUNTY, TENNESSEE, THAT “THE ZONING RESOLUTION OF BEDFORD COUNTY, TENNESSEE” BE ENACTED INTO LAW.

1.040. PURPOSE

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

- A. Enhancing the character and stability of agricultural, residential, business, commercial and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. Preventing overcrowding of land;
- C. Conserving the value of land and buildings;
- D. Minimizing traffic hazards and congestion;
- E. Preventing undue concentration of population;
- F. Providing for adequate light, air, privacy, and sanitation;
- G. Reducing hazards from fire, flood, toxic materials, and other dangers;
- H. Assisting the economic provision, utilization, and expansion of all services provided by the public, including, but not limited to, roads, water and sewer service, recreation, schools and emergency services;
- I. Encouraging the most appropriate use of land;

- J. Enhancing the natural, man-made and historical amenities of Bedford County, Tennessee;
- K. Conserving the agricultural importance and rural aesthetics of agriculturally zoned areas;
- L. To protect the safety of the citizens of Bedford County, Tennessee; and,
- M. To protect the natural resources of the land, such as the Duck River Basin.

ARTICLE II GENERAL PROVISIONS

SECTION

2.010	Scope
2.020	Only One (1) Principal Building on Any Lot
2.030	Lot Must Abut a Public Street or Easement
2.040	Reduction of Lot Area Prohibited
2.050	Obstruction to Vision at Street Intersection Prohibited
2.060	Access Control Future Street Lines
2.070	Accessory Use Regulations
2.080	Plot Plan Requirements
2.090	Landscaping and Buffer Strips
2.100	Corner Lots
2.110	Flag Lots
2.120	Lot Types
2.130	Historic Landmark Areas
2.140	Solar Orientation
2.141	Commercial, Non-Public Utility Power Generating Facility (NPU)
2.150	Outdoor Site Lighting Standards
2.160	Rear Yard Abutting a Public Street
2.170	Fences, Walls, and Hedges
2.180	Permitted Obstructions in Required Yards
2.190	Borrow Pits
2.200	Off-Street Parking Requirements
2.300	Traffic Impact Study Requirements

2.010. SCOPE

For the purpose of the zoning resolution, there shall be certain general provisions which shall apply, except as specifically noted, to the county as a whole.

2.020. ONLY ONE (1) PRINCIPAL BUILDING ON ANY LOT

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot. Provided, however, that these provisions shall not apply to apartment dwellings and mobile home parks approved under the provisions of ARTICLE III, Section 3.310 or planned unit developments (PUD's) approved under the provisions of ARTICLE IV, Section 4.045 of this resolution. On lots which exceed fifteen (15) acres in the A-1 district, up to two (2) additional dwelling units (for a total of three (3) dwelling units) may be located thereon for:

1. Persons owning the premises;
2. Members of the immediate family of the owner thereon; or,
3. Persons employed full-time at such premises and their families thereon.

The site of each dwelling unit shall meet all minimum lot, yard, soils, dimensional, setback, and ingress/egress requirements of the A-1 district such that each site could be later subdivided from the remaining acreage if necessary.

- A. Subdivision or Reduction of Zone Lot – In all districts, after any portion of a zone lot has been developed under the provisions of this section, such zone lot may be subdivided into smaller zone lots only if each resulting zone lot and building or buildings thereon comply with all of the appropriate regulations pertaining to bulk, yards, frontage, setbacks, open space, parking and loading requirements of the district they are located.
- B. No zone lot shall be reduced in area so that yards, lot areas per dwelling unit, lot width, building area, or other requirements of this resolution are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

2.030. LOT MUST ABUT A PUBLIC STREET OR PERMANENT EASEMENT

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

- A. The lot fronts for a distance of at least fifty (50) feet upon a *public street* with the said 50 feet width extending to the front building setback of the lot; except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet; or, to properties whose access is provided by private permanent easement; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed from other property, such easement shall be at least fifty (50) feet in width, extending the entire length of the permanent easement, from and after the time of adoption of this zoning resolution and shall not be used to provide access to more than one (1) lot or tract of land; **except** in the case of a flag lot (see Article II, Section 2.110; Definitions);
- B. The lot fronts for a distance of at least fifty (50) feet upon a street *shown on a subdivision plat* approved by the Bedford County Regional Planning Commission; except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet (See Article II, Section 2.110);
- C. The lot fronts for a distance of at least fifty (50) feet upon a street as part of a *plat approved* by the Bedford County Regional Planning Commission; except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet (See Article II, Section 2.110);
- D. The lot fronts for a distance of at least fifty (50) feet upon a *private permanent easement* with access to an existing public highway or street; provided, however, that when a permanent easement to a public street issued as access to a lot or tract of land having been or to be separated by deed from other property, such easement shall be at least fifty (50) feet in width, extending the entire length of the permanent easement, from and after the time of adoption of this zoning resolution and shall not be used to provide access to more than one (1) lot or tract of land (See Article II, Section 2.110);
- E. The lot fronts for a distance of at least fifty (50) feet upon a *private street*, provided such development is an approved Planned Unit Development

(PUD) or in the legal form of condominium ownership of such private improvements which have been approved by the Bedford County Regional Planning Commission and will be in private ownership and control in perpetuity; and, said private street owner shall ensure its future maintained condition by way of a lawfully incorporated Home Owners Association (HOA) charged with the authority to set annual dues necessary for the perpetual maintenance of the said private street.

2.040. REDUCTION IN LOT AREA PROHIBITED

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

2.050. OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

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

2.060. ACCESS CONTROL - FUTURE STREET LINES/SETBACKS.

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. All points of access shall be so constructed as to provide for proper drainage.
- B. There shall be no more than two (2) points of access to any one (1) public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one public street.

- C. No point of access shall be allowed within twenty (20) feet of the right-of-way line of any public intersection.
- D. No curbs or shoulders on county streets or rights-of-way shall be cut or altered without approval of the Bedford County Road Superintendent, or if on a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. When two (2) driveways are provided for one lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Bedford County Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.
- G. For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right-of-way as shown in the most current official Bedford County, Tennessee Transportation Plan.

2.070. ACCESSORY USE REGULATIONS

The use of land, buildings, and other structures in each of the districts established by this resolution are defined by listing the principal uses. In addition to such principal uses, accessory uses, such as garages and small outbuildings in residential areas, etc., which are customarily incidental to the permitted principal uses are also permitted in each district (see definition of accessory use). Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use; and

- E. An accessory structure shall also meet the following requirements, where applicable:
1. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
 2. In all residential districts, detached accessory structures and uses shall be located in the rear yard not less than ten (10) feet from the principal structure and not less than ten (10) feet from any other accessory structure. In addition, all detached accessory structures and uses shall be located not less than ten (10) feet from all side and rear lot lines. With corner lots, the setback from the secondary (side) street for the accessory structure shall be the same as the front setback for the principal structure in the zoning district in which the structure is located or to be constructed.
 3. In all residential districts, attached accessory structures and uses shall maintain the same setbacks as required for the principal structures.
 4. In the agricultural-forestry district, accessory structures may be located in the front yard at a distance of at least three (3) times the required minimum front setback.
 5. In commercial and industrial districts, accessory structures shall comply with the same front, side, and rear yard setbacks as are required for the principal structure(s).
 6. Buildings used principally for agricultural purposes (e.g., hay storage, horse barns, poultry barns, tractor and implement storage/servicing, etc.) are exempt from any regulations with the exception of obtaining a building permit and the building standards applicable thereof. Buildings erected on agricultural lands whose principle (greater than 50%) purpose is for some other non-agricultural accessory use shall not be exempt.

7. Construction trailers used by a building contractor during the construction phase of a building project may not be located less than five (5) feet from any front, side or rear lot line and must be removed from the job site within thirty (30) days after the completion of the construction project.

2.080. PLOT PLAN REQUIREMENTS

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

- A. Proposals (plans) for the construction or location of one or more principal structures on a lot (with the exception of single-family and two-family dwellings) or for the commercial or industrial repurposing of existing structures shall be submitted no later than fifteen (15) days prior to the next regularly scheduled Planning Commission meeting, at a scale no smaller than 1"=100', must be of a dimension no smaller than twenty-four (24) inches by thirty-six (36) inches, showing contours at five (5) foot intervals, and must exhibit the density of development of the required open space, the number of stories (all residential, commercial or industrial structures three (3) or more stories in height must have their plans approved by the State Fire Marshalls Office and the Bedford County Zoning Compliance Office), and the number of dwelling units per acre if applicable as well as a location map showing the relationship of the proposal to scale, to other development, land uses, and streets, and indicate:
 1. The actual shape, location, and dimensions of the lot, including the proposed remaining acreage of the parcel from which the proposed lot is to be thus removed (if applicable).
 2. The shape, size, location of all buildings, prominent features, or other structures to be erected, altered, or moved, and any building or other structure already on the site.

3. The existing and intended use of the entire lot and of all such structures upon it, including the number of dwelling units for multi-family residential buildings.
4. Topography (Contours in five (5) foot intervals).
5. Location and dimensional characteristics of driveways and entrances.
6. Proposed methods of safe ingress/egress consistent with the typical number of occupants/visitors/customers and the type of roadway used to access the property.
7. Location of all off-street parking areas as regulated in Article II, Section 2.200.
8. Location of all off-street loading berths as regulated in Article II, Section 2.200.
9. Location of any proposed outdoor sales and display areas.
10. Building setbacks and other yard requirements, floor area, and building heights.
11. Position of fences and walls (material specified) as regulated in Article II, Section 2.170.
12. Location of areas subject to flooding as Regulated in Article V.
13. Proposed means of surface drainage.
14. Location of all waterways, streams, or wet weather conveyances on site.
15. Location, type, and size of proposed signs as regulated in Article III, Section 3.360.
16. Location of all easements and rights-of-way.

17. Location and availability of servicing utilities (public and private), including existing or newly permitted underground septic tanks and fill lines.
18. A Landscaping Plan, as regulated in Article II, section 2.090.

B. Expiration of Site Plan Approval

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

C. Exceptions

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

1. Additions to principal buildings in industrial districts of one thousand (1,000) square feet or less OR additions of no more than ten (10) percent of the size of a principal building up to five thousand (5,000) square feet maximum.
2. Additions to principal buildings except those in industrial districts of no more than five hundred (500) square feet OR additions of no more than ten (10) percent of the size of a principal building up to two thousand (2,000) square feet maximum.
3. There is no reduction or deletion of the landscaping area or the number of plantings except as may be necessitated by the construction of the building addition. In cases where the landscaping must be removed for construction, an equal area and equivalent plantings shall be installed in a manner similar to existing site conditions prior to construction.

4. The parking requirements of this resolution are maintained and there is no increase or decrease in the number of parking spaces by more than ten (10) percent.
5. Any accessory buildings are located behind the principal building and no larger than one thousand (1,000) square feet OR ten (10) percent of the size of the principal building up to a maximum of two thousand (2,000) square feet.

2.090. LANDSCAPING AND BUFFER STRIPS

Where a use is developed in areas zoned or rezoned to any district other than the A-1 or R1, which abuts any point upon property zoned A-1 or R-1, the developer of said use shall provide adequate screening or a landscaping buffer or strip. All plant material shall be in conformity with the plant and tree standards found in the most current version of the American Standard for Nursery Stock.

- A. **Purpose of Landscaping and Screening** - Due to the nature of high density residential, mixed use, PUD's, commercial and industrial uses and their potential for adverse impact to surrounding low density residential properties, all proposed developments shall be landscaped. Likewise, all developments other than one and two-family dwellings shall be landscaped. The intent of these provisions is to increase the aesthetic appeal of the site, to reduce the harmful impact of noise, dust, glare of automobile light or other artificial light, to protect the quality of water and permit its return to the ground water strata, to prevent soil erosion, and to otherwise reduce other harmful impacts of development to adjacent properties and to the public. It is likewise intended that these provisions be flexible to allow site specific conditions such as those outlined in Subpart D, of this section, to determine the type, location, and extent of landscaping and screening.
- B. **Screening** - All uses except one and two family dwellings shall normally be screened from adjoining agricultural and residential uses by either an evergreen screen, a decorative wall/fence with an evergreen screen, a berm with an evergreen screen or other suitable alternatives, as approved by the Bedford County Regional Planning Commission. The

baseline screening requirements are shown on Table 2.091, and in Figures 2.091A, 2.091B, and 2.091C.

TABLE 2.091
BASELINE BUFFER YARD SPECIFICATIONS
ADJACENT ZONING DISTRICT

Use ↓	A-1 R-1	R- 2	R1- PUD	R2- PUD	C-1	C-2	C-3	OP	M-1	M-2	OD	REDD
A-1, R-1	N	A	A	A	A	A	A	A	C	C	A	A
R-2	A	A	B	B	A	A	B	A	C	C	A	A
R1- PUD	A	B	B	B	B	B	B	B	C	C	A	A
R2- PUD	A	B	B	B	B	B	B	B	C	C	A	A
C-1	A	A	B	B	N	A	A	A	C	C	A	A
C-2	A	A	B	B	A	N	A	B	C	C	A	A
C-3	A	B	B	B	A	A	N	B	C	C	A	A
OP	A	A	B	B	A	B	B	N	C	C	A	A
M-1	C	C	C	C	C	C	C	C	A	A	A	A
M-2	C	C	C	C	C	C	C	C	A	A	A	A
OD	A	A	A	A	A	A	A	A	A	A	A	A
REDD	A	A	A	A	A	A	A	A	A	A	A	A

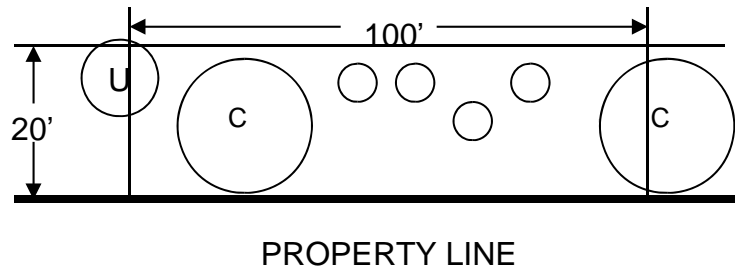
N = No Buffer Yard Required

OD = Refers to Gateway Overlay Districts ONLY.

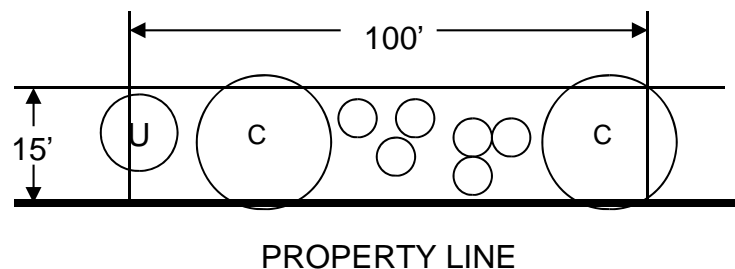
STANDARD A-TRANSITIONAL PROTECTIVE YARDS

If Table 2.091 indicates a requirement of an “A” Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per one hundred (100) feet of yard length.

A-1 (20' WIDTH)
1.2 CANOPY
.4 UNDERSTORY
4 SHRUBS



A-2 (15' WIDTH)
1.8 CANOPY
.6 UNDERSTORY
6 SHRUBS



A-3 (10' WIDTH)
2.4 CANOPY
.8 UNDERSTORY
8 SHRUBS

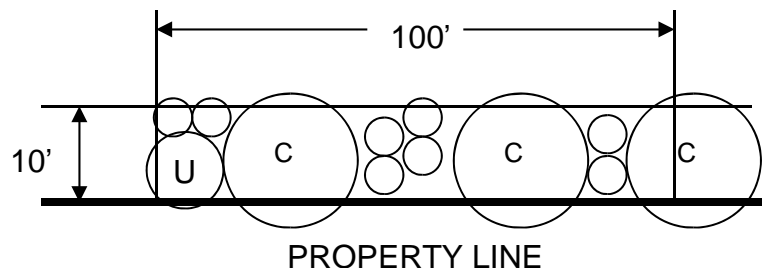


FIGURE 2.091A

STANDARD B-TRANSITIONAL PROTECTIVE YARDS

If Table 2.091 indicates a requirement of a “B” Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per one hundred (100) feet of yard length.

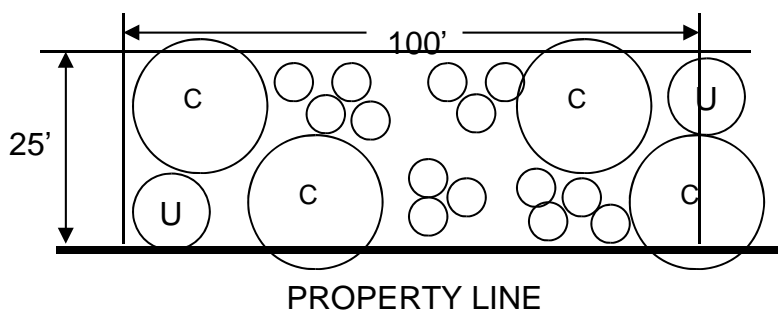
B-1

(25' WIDTH)

3.5 CANOPY

1.4 UNDERSTORY

14 SHRUBS



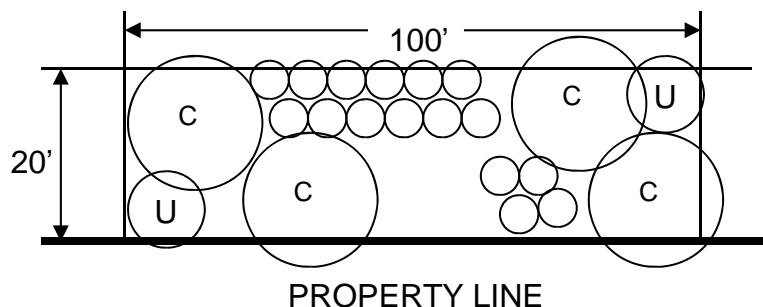
B-2

(20' WIDTH)

4 CANOPY

1.6 UNDERSTORY

16 SHRUBS



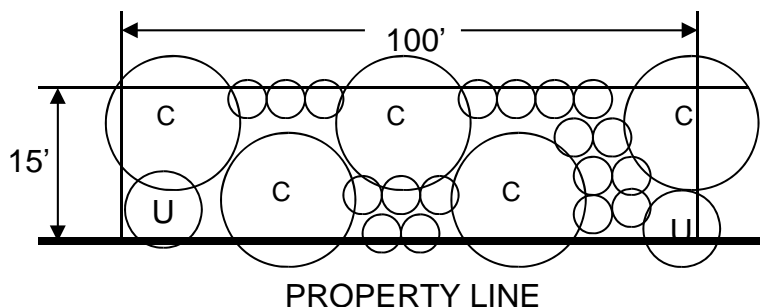
B-3

(15' WIDTH)

4.5 CANOPY

1.8 UNDERSTORY

18 SHRUBS



B-4

(10' WIDTH)

5 CANOPY

2 UNDERSTORY

20 SHRUBS

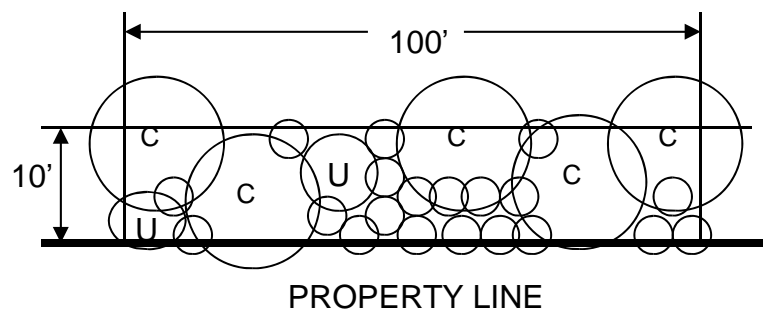


FIGURE 2.091B

STANDARD C-TRANSITIONAL PROTECTIVE YARDS

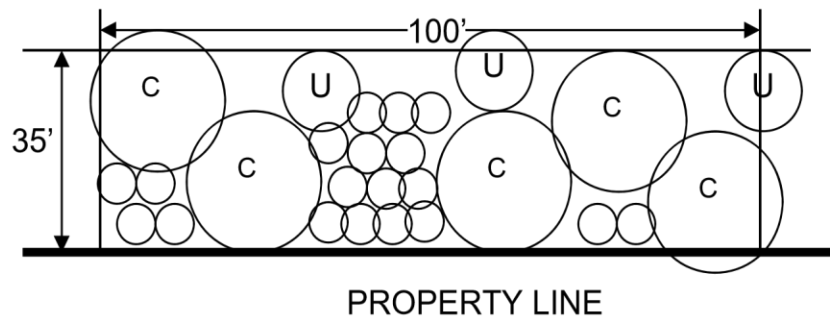
If Table 2.091 indicates a requirement of a “C” Transitional Protective Yard, select one of the following combinations of width and commensurate number of plants per one hundred (100) feet of yard length.

C-1

(35' WIDTH)

4.8 CANOPY
2.4 UNDERSTORY

19 SHRUBS

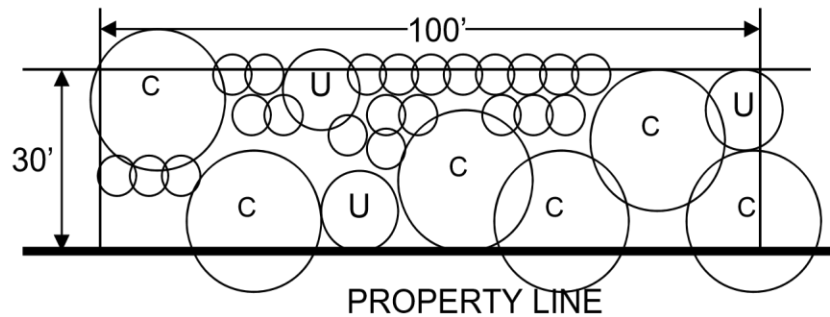


C-2

(30' WIDTH)

5.4 CANOPY
2.7 UNDERSTORY

22 SHRUBS

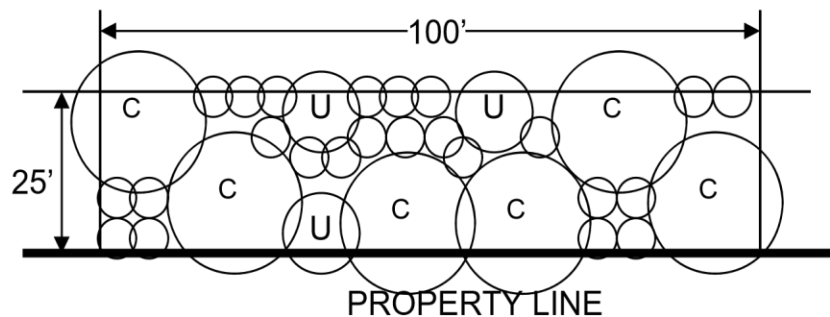


C-3

(25' WIDTH)

6 CANOPY
3 UNDERSTORY

24 SHRUBS



C-4

(20' WIDTH)

6.6 CANOPY
3.3 UNDERSTORY

28 SHRUBS

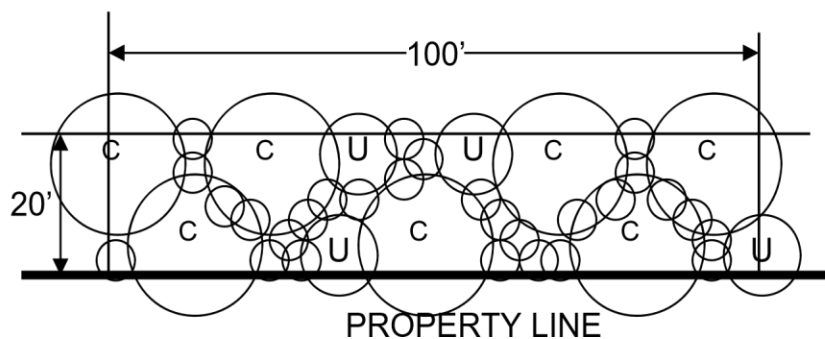


FIGURE 2.091C

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

Screening Requirements for Outdoor Storage and Equipment - Storage areas for auto service functions such as storage areas for automobiles, trucks or other vehicular craft while awaiting repair shall be screened so as not to be visible from adjoining properties or from any public or private roadway. In areas where topography makes full screening impractical such storage areas shall be screened as much as is reasonable possible. However, licensed, and registered automobiles and trucks not owned by operator of such service facility awaiting ordinary mechanical service and repair may be parked in non-screened parking areas. Garbage collection areas shall be fully enclosed by opaque materials on all four (4) sides, with doors to remove containers. The screening shall be at least two (2) feet taller than the dumpster. Where topography may expose interiors of garbage collection areas to view, screening shall be correspondingly taller. Landscape plantings are required around at least two sides of all dumpster screens to soften the effect of fencing. Above ground fuel tanks, and significant utility and mechanical equipment such as ground-mounted air conditioning, emergency power generators or sewer pumping stations shall be hidden from public view by screening.

C. **Landscaping**

All sites other than *full-time* religious, agricultural or one and two-family dwellings shall be landscaped. Each site shall have a minimum landscaped area of fifteen (15) percent that shall consist of trees, shrubs, hedges, flowers, fountains, rock gardens, works of art, etc. The minimum landscaped area may also include the area that will be under the canopy of trees five (5) years after. Likewise, the area of mulch beds or similar may be applied towards the fifteen (15) percent minimum area, provided they are predominantly planted. (*i.e., if two (2) or three (3) small shrubs*

were placed in a large mulch bed, the majority of the mulch bed would not be counted towards the fifteen (15) percent minimum.)

D. Landscaping Requirements for Parking Lots

1. All required parking areas with ten (10) or more spaces shall be suitably improved so as to provide landscaping equal to or greater than ten (10) percent of their total area. This landscaped area may be internally located and/or at the periphery of the parking area.
2. Parking areas shall not have rows with more than fifteen (15) unbroken spaces.
3. Parking areas with forty (40) or more spaces shall utilize internal landscaped islands.
4. Landscaping in parking areas should be used to formalize traffic areas and aisles. Any required landscaping that is required in parking areas may apply towards the required overall minimum landscaped area. No landscaping shall hinder visibility at internal or external intersections.
5. A twenty (20) foot grass or landscaped strip shall be preserved along the street right of way except at points to provide ingress/egress along Arterial and Collector roadways as shown on the Major Thoroughfare Plan. Up to five (5) feet of the required twenty (20) feet strip may utilize areas within the right of way provided that the area is grass, vegetation, or sidewalks AND the roadway has been built/improved to the width and number of lanes as per the Major Thoroughfare Plan.

This twenty (20') foot strip may be reduced to ten (10') feet provided that one of the following conditions is met:

- a) The strip includes a permanent finished wall constructed of brick, stone, or masonry that is no less than thirty (30") inches in height; or,
- b) Where trees are planted in islands at least ten feet by fifteen feet (10' x 15') between parking spaces every five (5) parking spaces.
6. All trees planted in parking lots shall have an average canopy height of eight to ten (8' to 10') feet in height and shall be three to four (3' to 4') in width.

E. Criteria

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

1. The proximity of the commercial/industrial/institutional site to existing residential structures, proposed residential subdivisions, and institutional land uses.
2. The topography of the area.
3. The existing vegetation of the proposed site as well as the existing vegetation of nearby properties. Any exiting vegetation that is to be retained shall be so noted on the plan.
4. The structure to be used for the proposed non-residential site including size, bulk, setback, lot coverage ratio, building materials, proposed building setbacks, and other similar criteria.
5. The location of accessory buildings, outdoor sales area, outdoor storage, and parking areas of the proposed site.
6. The location of utilities with special attention to overhead electric lines.

F. Planting Specifications

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

Prohibited Tree and Plant Species

1. Trees

- a) Mimosa
- b) Hackberry
- c) Leyland Cypress
- d) Bradford Pear
- e) Eastern Hemlock
- f) Chinese Tallow

2. Shrubs and other Plants

- a) Nandina/Dwarf Nandina
- b) Shrub Althea
- c) Privet (all species)

- g) Siberian Elm
- h) Tree of Heaven
- i) Japanese Honeysuckle
- j) Princess tree
- k) White Mulberry

G. Maintenance

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

1. The property owner(s) and their successors shall be responsible for maintaining all plantings in good health. Dead or badly diseased and dying plants shall be replaced.
2. The Zoning Compliance Officer may grant an extension of up to six (6) months to allow dead or diseased plants to be replaced at an appropriate time of the year so as to maximize the long-term health of the vegetation. Such extension, if granted, shall be in writing.
3. Screening walls and fences or other objects approved as part of the landscaping plan such as rock gardens, fountains, etc. shall be kept in good condition so as to achieve their intended function: enhancing site appearance and/or the screening and buffering of adjoining properties. Fences and walls used for screening and/or buffering shall be kept clean from dirt and mold and well painted or stained as appropriate. Wooden fences that are broken, rotten, or that are structurally unsound shall be repaired.

H. Time of Completion

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

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

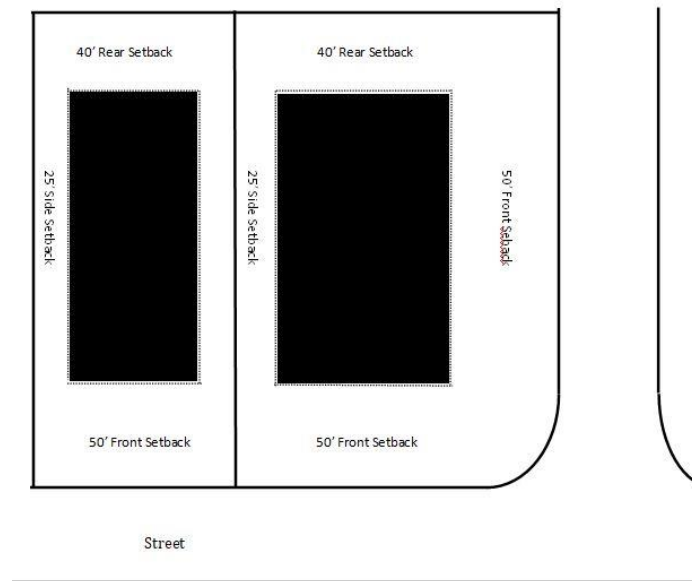
I. Enforcement

All plantings and other improvements shown on any approved landscaping plan shall be considered a condition of the approval of the site plan and shall be properly bonded for one year with Bedford County

as the beneficiary at a rate of cost plus an additional 10% prior to approval. Failure to install or maintain such improvements shall be considered a violation of this resolution and the owner of property is subject to all penalties and remedies of Article VIII, of this resolution. If the owner or developer fails to maintain the planned landscaping during the bonded year, Bedford County, at its discretion, may call the bond due and payable, hire a contractor to replace or maintain the landscaping, and exercise whatever remedies it has under Article VIII of this resolution.

2.100. CORNER LOTS

For lots adjacent to the intersection of two public streets, each yard abutting a public street shall be considered a front yard and shall meet the front yard setback requirements for that particular district. Furthermore, corner lots shall also have one (1) side yard and one (1) rear yard that will meet those setback requirements for the particular districts. The rear yard of a corner lot shall be the yard that is opposite the particular front yard on the public street, which provides the address for the lot; the remaining yard shall be determined to be the side yard.



2.110. FLAG LOTS

Due to an increase in traffic congestion and pressure on rural county road systems, a lack of reasonable traffic controls for such amplified traffic and the increased public safety risks associated thereof, **Flag Lots** are hereby prohibited in all zones (*see Article II, sections 2.110 & 2.120 (a), Article VII, definitions*).

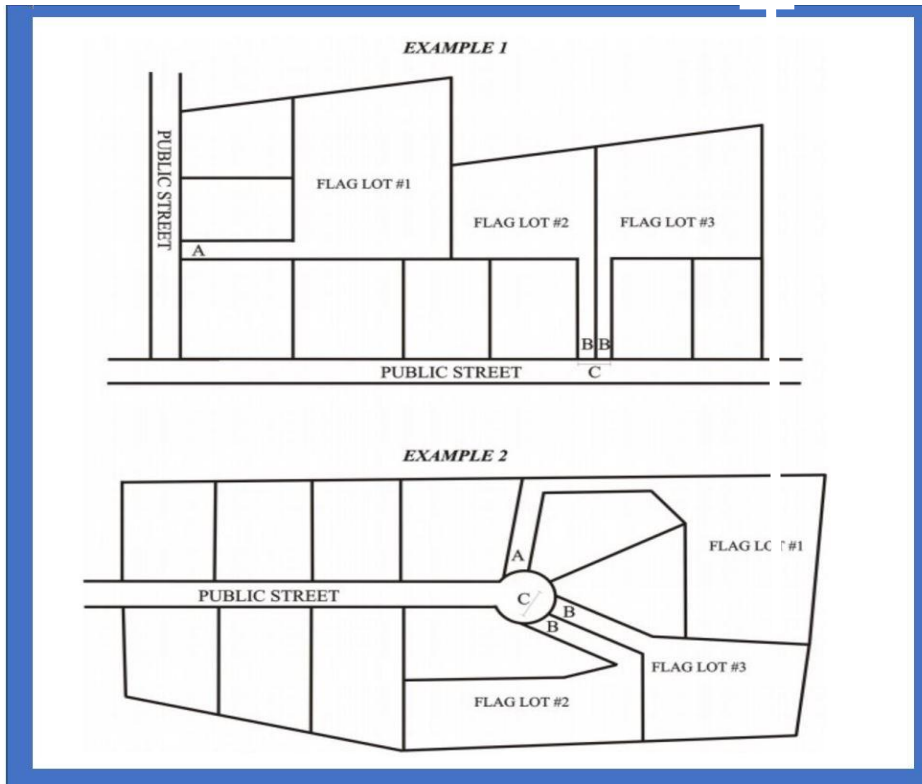
2.120. LOT TYPES

Figure one (1) below illustrates terminology used in this Resolution with reference to corner lots, interior lots, double frontage lots and flag lots;

- A. **Flag Lot** – a single lot with access provided to a public street, right of way, or private easement by means of a narrow (less than one hundred [100'] feet in width) strip of land, which could either be fully inside the boundaries of the said flag lot or a private ingress easement or a combination of both, hereinafter referred to as the *staff* portion of a flag

lot, that opens to a larger *flag* shaped building envelope (see **Figure 1, Examples 1 and 2**). Characterized as being shaped like a *flag* and *flag staff*. The development of flag lots are prohibited.

Figure 1. Example of Illegal Flag Lots



B. Flag-Shaped Lots (Permitted) - A lot, whose shape would normally meet the definition of a flag lot, but which deviates from the published definition of said lots by having an amount/distance of road frontage along the staff portion of said lot (owned or by private easement or a combination of both) equal to or exceeding a width of one hundred (100') feet. Said minimum frontage width being fully maintained from the public road, right of way, or easement appurtenant - the entire distance to the flag portion of said lot.

Minimum setbacks are measured at the front, rear, and sides of the actual building envelope or "flag". Regardless of exact lot shape, adjacent lots shall have minimum side building setbacks according to its zoning classification (see *Art. IV – Zoning Classifications*), but in addition thereto, require a minimum of fifty (50') feet of separation between the outside walls of the principle structures on both the flag lot and its adjacent lot, creating the standard required separation of neighboring residential structures, no matter its orientation, by any line struct perpendicular to the road; the lot front (see *Figure 2, Lot 2 below*).

Flag-Shaped Lots, in addition to the above standards, are permitted under the following special conditions:

1. Only one flag-shaped lot shall be eligible to gain legal road frontage access to a public roadway via an easement on an adjacent property.
2. The staff portion of said lots shall be deemed to end, and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.
3. The front side of the flag portion of said lots shall be deemed to be the side nearest to the dedicated public street, unless otherwise determined by staff on a case-by-case basis.
4. In the determination of minimum lot size, the square footage located in the flag portion of said lots, which shall be exclusive of the square footage located in the staff portion of said lots, shall be the same or greater than the minimum square footage as required in the underlying zone classification, but in no instance shall be less than 30,000 square feet.
5. The approved building envelope of said lots shall be illustrated upon the final plat.

Example on next page (*Figure 2*).

Figure 2. Example of a Permitted Flag-Shaped Lot



- C. **Corner Lot** – a lot located at the junction of and abutting two (2) or more intersecting streets where the interior (obtuse) angle of the intersection does not exceed one hundred thirty-five (135) degrees or the (acute) angle is not less than forty-five (45) degrees (*see Figure 1*). The lot frontage on both intersecting streets shall be considered a **front yard** (*two front yards*). One (1) such lot line intersecting the street and the rear lot line will be considered a **side yard** (*1 side yard*) and one (1) such lot line running from the street to the side lot line will be considered a **rear yard** (*1 rear yard*). Lots which intersect two (2) or more streets with interior (obtuse) angles exceeding one hundred thirty-five (135) degrees

or with an acute angle less than forty-five (45) degrees (*see Figure 2*) shall have one front, one rear, and one side setback.

FIGURE 1

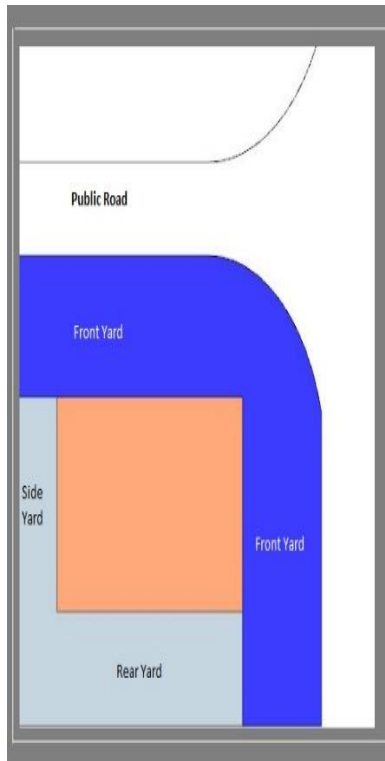
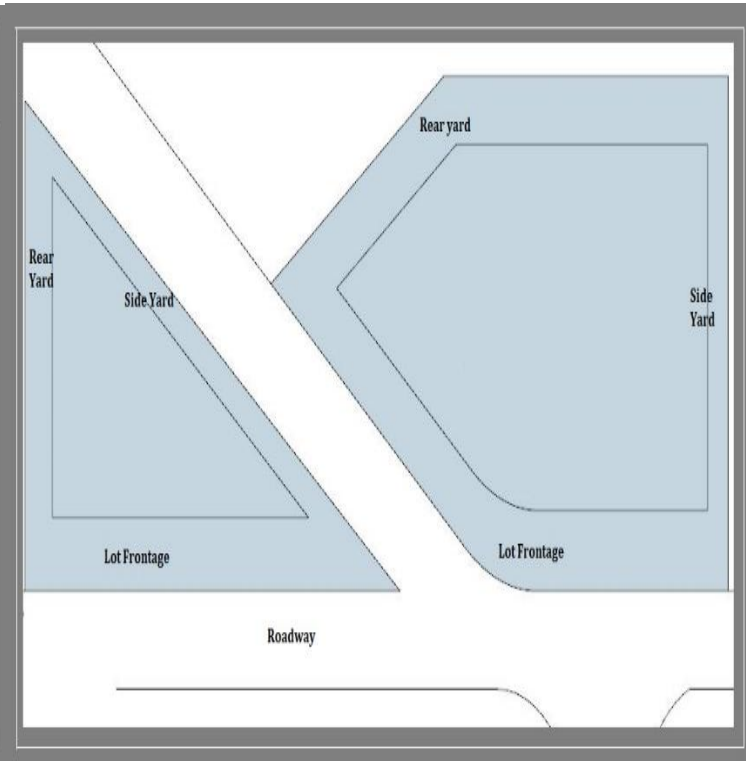
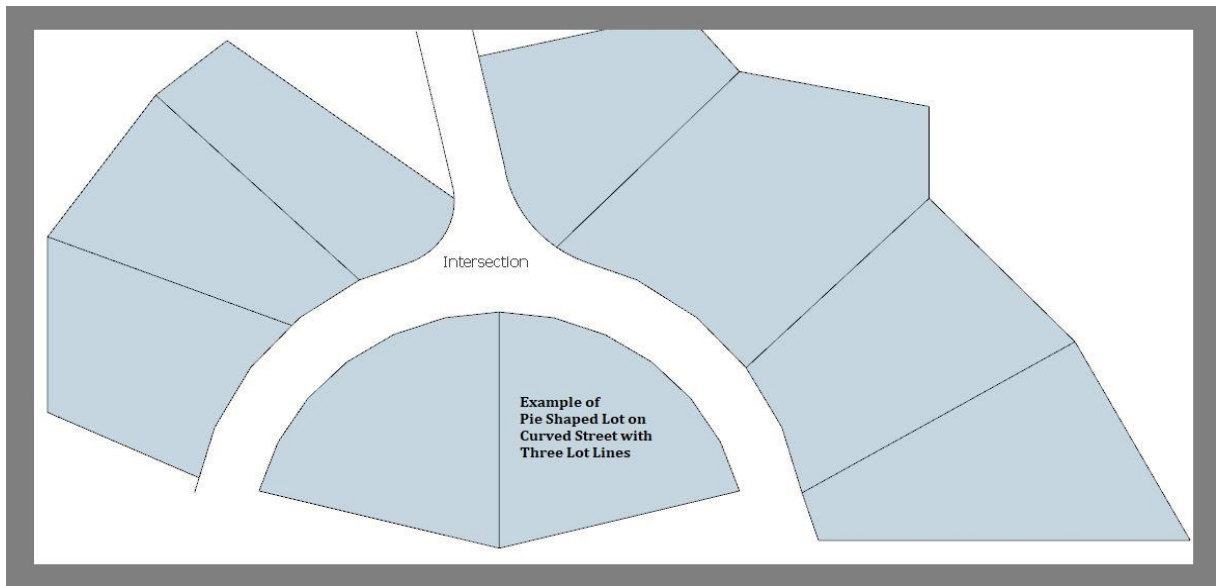


FIGURE 2



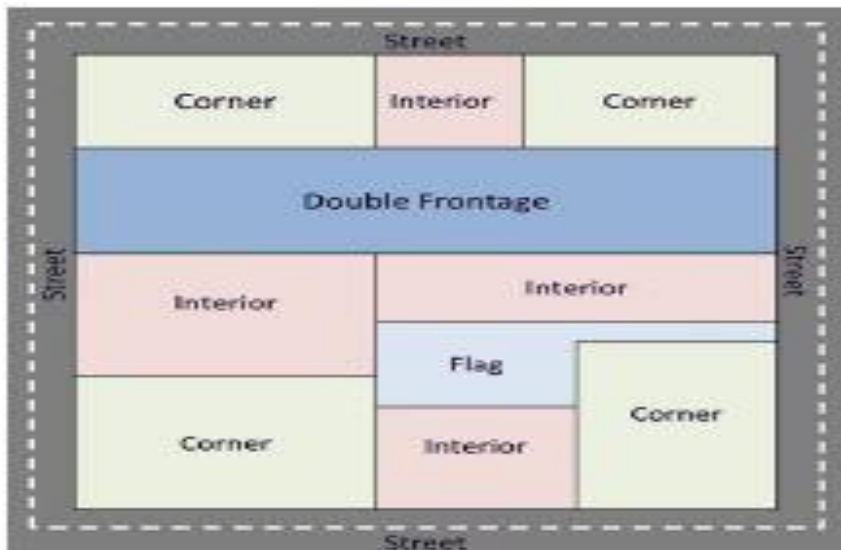
- D. **Interior Lot** – a lot other than a corner lot with only one (1) frontage of a street, right-of-way, or easement. Rectangle or irregular shaped lots (pie, reverse pie, parallelogram, rhomboid, quadrilateral, etc.) with four (4) or more separate lot lines shall have one (1) Front yard, one (1) rear yard, and two (2) side yards. Interior lots that front severely curved public streets or rights-of-way which leave lots shaped as triangles or pies with no more than three (3) individual lot lines shall have one (1) front yard, one (1) rear yard, and one (1) side yard (*see Figure 3*).

FIGURE 3



- E. **Double Frontage Lot** – a lot other than a corner lot with frontage on more than one street, right-of-way, or easement (see **Figure 4**).

FIGURE 4



2.130. HISTORIC LANDMARK AREAS.

In any zoning district found to contain an area, building, place, or item that is considered to have historical significance, application to the Bedford County Board of Zoning Appeals may be made for the reduction or substitution of any required acreage, yard area, lot width or required road abutment.

2.140. SOLAR ORIENTATION.

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

2.141. COMMERCIAL NON-PUBLIC UTILITY POWER GENERATING FACILITY (NPU).

It is the intention of this section to regulate the development of commercial facilities designed to generate income from electricity generating facilities and related components intended to generate an electrical product for sale, the delivery of electricity in connection with the provision of energy services for a fee, or the lease of such electricity generating facility and related components for a fee.

All commercial non-public utility power generating facilities (NPU's) desiring to locate inside the boundaries of the **Bedford County Renewable Energy Overlay Zone** (see *Article IV, Section(s) 4.066.0 & 4.066.1*) shall qualify as a conditional use (*Article VIII, Section 8.080*) in the A-1 district and must seek conditional approval from the BZA. NPU's desiring to locate outside the **Bedford County Renewable Energy Overlay Zone** must first rezone the property to the **Renewable Energy Development District (REDD)** zone classification (*Article IV, Section 4.066*). NPU's located on the grounds or roof of existing or proposed industrial, institutional, or educational buildings are permitted in any zoning district and do not need to comply with any other requirements of this section (2.141). Development standards, specific to such a use shall include:

1. A letter of credit, bond or guaranty executed by a creditworthy entity sufficient to cover the total estimated remediation costs, plus ten percent (10%), of eliminating all developed assets capable of collecting, conducting, storing, transmitting, or discharging any

electrical charge, as well as assets which may create a negative environmental impact if left unmanaged, should the site and its use be abandoned or its owner cease to operate or maintain the developed assets for a period exceeding thirty-six (36) months.

2. Hard surface parking and road access improvements for heavy equipment and tractor trailers. Road connections from the site to a collector or arterial road, as classified by the Major Thoroughfare Plan of Bedford County, shall be engineered, and constructed to conform with Bedford County Road standards for heavy use and signed off by the Bedford County Road Superintendent.
3. Perimeter fencing with a minimum height of six (6) feet around the entire developed site, properly gated and locked to prevent trespass.
4. Transitional "A" landscape buffer as required by Article II, Section 2.090; Transitional "A" landscape buffer as required by Article II, Section 2.090 to the extent necessary to screen the NPU from adjacent residential structures in the locations determined by the BZA or, in the case of NPU developments for which a conditional use was approved by the BZA prior to an amendment to applicable development standards in the Zoning Resolution, the Zoning Compliance Officer with respect to such amended development standards.
5. If batteries are required, the construction and use of a liquid-tight spill-control barrier system as required by the Uniform Fire Code.
6. Full set of engineered plot plans, as required by Article II, section 2.080, including drainage, landscaping, fencing, and safety plans as well as for any proposed road connections and improvements. In the case of NPU developments for which a conditional use was approved by the BZA prior to an amendment to applicable development standards in the Zoning Resolution, the Zoning Compliance Officer shall have the authority to approve updated plot plans reflecting a project design conforming to the amended development standards without additional action by the BZA.
7. Environmental impact study or environmental assessment prepared under the National Environmental Policy Act or otherwise prepared by a registered engineer.
8. An approved training program for fire control mitigation and suppression, designed specifically for the proposed type of the NPU site, updated in intervals reasonable to the specific NPU technology

type, and provided annually to the Bedford County Fire Department, at no cost.

9. All building or improvement setbacks shall be seventy-five (75) feet on NPU's located inside the boundaries of the Bedford County **Renewable Energy Overlay Zone** (REZ) (see *Sections 4.066.0 & 4.066.1*). Additional setback distances and bulk restrictions apply in all areas of the county lying outside the REZ (see *Article IV, Section 4.066 (A)(1)(b.) appendix C. and Section 4.066 (A)(1)(c.) appendix D.*).
10. The County may hire an outside registered engineering firm to advise the County on compliance with the requirements of the zoning resolution and applicable building and electrical codes. The developer shall be required to reimburse the County for its costs of hiring an engineering firm in the same amount as incurred by the County, which fees shall be paid by the developer within 30 days of its receipt of an invoice from the County.
11. NPU Developments must be able to interconnect to the public utility grid without any extension of the public utility grid through the exercise of eminent domain.
12. All NPU developments must obtain a zoning permit from the Planning & Zoning Department, such zoning permit fee shall be in an amount established and from time to time adjusted by the County Commission, intended to compensate the county zoning office for its work to evaluate submitted site plans, perform compliance inspections and enforce development standards as well as to offset the costs to County Government for required advertisements, public notice efforts, and board member participation made in effort to comply with this resolution. All NPU developments must, in addition to obtaining a zoning permit, obtain a building permit, the fee for said building permit shall be based on the total project cost, using the currently adopted fee schedule for commercial construction at the time the said building permit is thus obtained.

2.150. OUTDOOR SITE LIGHTING STANDARDS

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

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

A. Performance Standards and Criteria

1. No lights shall shine or glare directly onto adjacent properties, rights-of-way, access easements, or driveways. For the purposes of this resolution, glare shall be defined as any brightness within the field of vision of such a character as to cause annoyance, discomfort, interference with vision, or loss in visual performance and visibility.
2. The maximum illumination at a property line adjacent to residential and agricultural districts shall be 0.5 foot-candles. The maximum illumination at a street right-of-way or a property line that is adjacent to commercial or manufacturing districts shall be 3.0 foot-candles.
3. Light poles, including any supporting base, shall not exceed twenty-two (22) feet in height. The height shall be measured from the ground to the top of the pole. However, the Bedford County Regional Planning Commission may approve light poles for an expansion of an existing development so as to match the existing light poles if it can be shown that the taller light pole will not create any negative effects on any adjacent properties, rights-of-way, access easements, or driveways. In no case shall new light poles exceed the height of the existing light poles or forty (40) feet in height, whichever is less.
4. All pole lights shall be directed toward the ground. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the light box. The shoebox style fixture shall be used unless it

can be shown that a different style would be equivalent to or better than these requirements.

5. All wall lights shall be directed toward the ground. The wedge style fixture shall be used unless it can be shown that a different style would be equivalent to or better than these requirements.
6. All ground-mounted lights, whether used to illuminate a building or a sign, shall be designed to minimize light that does not illuminate the target area. Blinders, or some other type of protectors, may be required to be placed on the lights so as to direct the beam away from adjacent properties, rights-of-way, access easements, or driveways.
7. Lights located under gasoline service station canopies, canopies for bank automatic teller machines, and other such similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it can be shown that a different style would be equivalent to or better than these requirements.

2.160. REAR YARD ABUTTING A PUBLIC STREET.

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

2.170. FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of this resolution, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard except as prohibited herein.

- A. In any residential district, no fence or wall shall exceed eight (8) feet in height and shall not extend past the front of the principal building. Between the principal building and the street right-of-way, no fence or wall shall exceed four (4) feet in height. Tennis court fencing shall not exceed twelve (12) feet, and baseball backstops shall not exceed sixteen (16) feet.

In commercial or industrial districts, no fence or wall shall exceed fifteen (15) feet in height and shall not extend past the front of the principal building. Between the principal building and the street right-of-way, no fence or wall shall exceed six (6) feet in height.

The height of such fences and walls shall be measured from the finished grade to top of the individual sections. The finished grade shall not include measurements from the top of a berm.

- B. Fences and walls shall be erected outside of the right-of-way or any public or private road or manner of ingress/egress junction with said roadways, except erected by a governmental agency. All fence posts/supports shall be set into the ground a minimum depth of two (2) feet. If conditions on the property (e.g., rock) make it difficult to comply with this requirement, alternative measures may be utilized after consultation with the Planning, Zoning, and Codes department. In any event, adequate measures shall be employed in order to ensure the long-term stability of the fence.
- C. **Permitted fences.** The following types of fences are permitted in all zoning districts:
 - 1. Masonry or stone walls
 - 2. Ornamental iron or aluminum equivalent
 - 3. Chain-link (with or without privacy or wind screening)
 - 4. Wood or Vinyl plank
 - 5. Other similar materials
- D. **Prohibited Fences** – The following types of fences are prohibited:
 - 1. Fences constructed primarily or topped with barbed wire or razor wire, or deployed, raised, arranged, or expanded in concertina form, except when used in conjunction with an agricultural use or purpose and/or serving a public institution for public safety or special services.
 - 2. Fences carrying electrical current, except for the purpose of enclosing livestock for agricultural use.

3. Fences constructed of readily flammable materials such as paper, cloth or canvas except for temporary fences required by law (e.g., drainage silt fencing).
 4. Fences or walls made of solid plywood, scrap lumber and insubstantial similar non-customary material.
 5. Fences, wall, or hedges on any portion of any public right-of-way, except fences erected by a governmental agency.
- E. Fences shall be positioned so that all the support wood, posts, cross members, etc., will not be facing the street.
- F. Five (5) feet of clearance shall be maintained between any fence and all sides of an electrical transformer, except the side of the transformer that is padlocked shall have a ten (10) foot clearance.
- G. Five (5) feet of clearance shall be maintained between any fence and all sides of an electrical pedestal.
- H. Maintenance. It is the responsibility of the owner of the property on which the fence is erected, to always maintain the fence structure in good repair. If a fence is found to be in a deteriorated condition or in need of repair, including but not limited to broken or missing structural components, or the fence is substantially less than perpendicular to the grade, the property owner may be ordered to repair, replace, or remove the fence depending on the condition of the fence. Such order shall be issued by the Director of Building Codes pursuant to this resolution.
- I. Fences, walls, or vegetation that interfere with clear vision at or near a public or private street, alley, driveway or other means of ingress or egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such ingress or egress are prohibited.
- J. Fences, walls, or vegetation so constructed or planted as to impede the natural water drainage and/or water runoff are prohibited.

2.180. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

In all districts, the following shall NOT be considered obstructions when located within a required yard.

A. In any required yard:

1. Arbors and Trellises
2. Awnings or canopies projected from a building wall over a window or door into the required yard not more than six (6) feet and having no supports other than provided by the wall or its integral parts.
3. Gutters or downspouts projecting into or over required yard not more than twenty-four (24) inches.
4. Open fire escapes or staircase, the riser of which shall be at least fifty (50) percent open and whose vertical projection downward into a required yard does not project more than three (3) feet into, and not exceeding then (10) percent of the area of the required yard.
5. Porches, bay windows and balconies projecting not more than forty-two (42) inches.
6. Flag poles having only one structural ground member.
7. Fountains
8. Mailboxes
9. Open Terraces, including natural plan landscaping.
10. Retaining walls.
11. Signs as permitted by sign regulations contained in Article III, Section 3.060.
12. Sculpture or other similar objects of art.
13. Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, ash trays, light standards, and directional signs.

B. In Commercial Districts:

1. In commercial and industrial districts, an overhead canopy that is open on all sides and fuel pumps may encroach into the required yard to within twenty (20) feet of the street right-of-way.
2. Uncovered ramps for the benefit and increased accessibility of persons with disabilities provided they do not violate any other provision of this resolution.

C. In Rear Yards:

1. In any rear or side yard and located behind the principle structure in a required yard:
2. Clothes poles or clothes lines.
3. Recreation equipment.
4. Garages and storage buildings provided that a ten (10) foot setback from the property line is observed.
5. Open and uncovered decks projecting into the required rear yard to a maximum of within ten (10) feet of the rear lot line.

2.190. BORROW PITS

A temporary use permit for borrow pits as defined may be issued in any district. The following provisions apply to any borrow pit not otherwise regulated by Title 59 of the Tennessee Code Annotated:

- A. A boundary survey of the subject property, together with the proposed location of the limits of excavation shall be submitted at the time of application.
- B. Borrow pits shall be set back a minimum of fifty (50) feet from all property lines and one-hundred-fifty (150) feet from any residential property line.
- C. Borrow pits shall not occupy or cover more than twenty-five (25) percent of any lot area where the lot is under ten (10) acres. Borrow pits on property where the lot areas is ten (10) acres or larger may not occupy or cover more than ten (10) percent of any lot area or two and one half (2.5) acres, whichever is greater.

- D. An engineered drainage and erosion control plan must be submitted and approved by the County Planner prior to commencement of excavation activities.
- E. A road bond for an amount to be determined by the County Road Superintendent along with a maintenance plan for the road shall be submitted prior to the commencement of extraction activities.
- F. An engineered reclamation plan shall be submitted to and approved by the County Planner prior to commencement of excavation activities.
- G. Prior to excavation, the owner and/or operator must obtain all federal, state, and local permits, including but not limited to a Bedford County Land Disturbance Permit.
- H. Unless otherwise specified in the temporary use permit, permits for a borrow pit shall be valid for six (6) months with a one-time, three-month extension that may be approved by the Planning Director.
- I. No blasting in association with borrow pit operations shall take place on any property except between the following hours:
 - 1. August 1 – May 31 – 8:00 AM to 5:00 PM
 - 2. June 1 – July 31 – 7:00 AM to 6:00 PM
- J. Excavation (excluding blasting) and hauling of material is limited to the hours between sunrise and sunset.
- K. Dust control and erosion control measures shall be implemented on a continuing basis, for the duration of the activities permitted, to mitigate air pollution and prevent the deposit of mud, dust, and debris, on public roads.
- L. The owner and operator of the borrow pit shall be jointly responsible for compliance with the requirements of this Section. Required licenses shall be issued to the operator of the respective borrow pit. Owners of the land shall receive a copy of the required license issued to the operator.
- M. Nine (9) months after completion of mineral extraction or after termination of the extraction/excavation permit, all equipment, vehicles,

machinery, materials, and debris shall be removed from the subject property.

- N. Six (6) months after completion of mineral extraction or after termination of the permit, the restoration plan shall be completed by the property owner/operator and the extraction/excavation permit shall be void.
- O. Any material extraction that is for the sole purpose of approved agricultural activities where the extracted material will not be sold, traded, bartered, etc. to another party or person, or removed from the property (unless used for agricultural purposes on another property owned by the same owner of the borrow pit) are exempt from these provisions.

2.200. OFF-STREET PARKING REQUIREMENTS

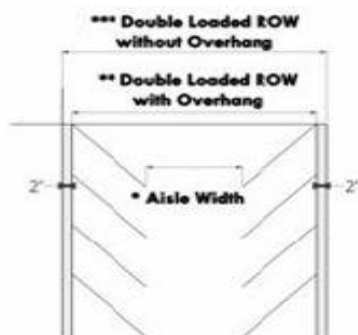
Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. All such loading and unloading areas shall be surfaced with asphalt, concrete, or other durable dust-free surface. Such spaces shall have access to a public or private alley, or if there is no alley, to a public street and shall be a minimum of twenty-five (25) feet in length. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following tables:

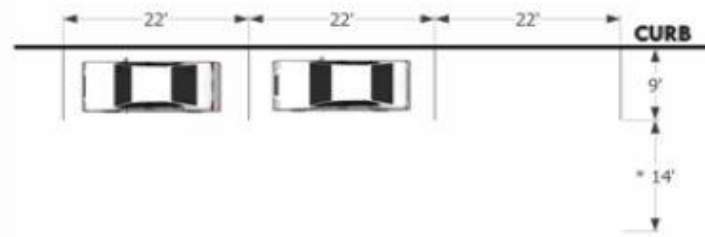
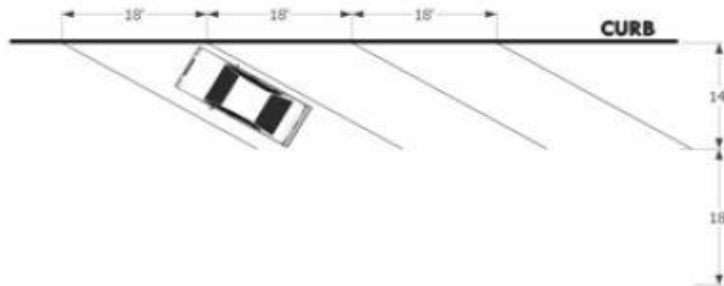
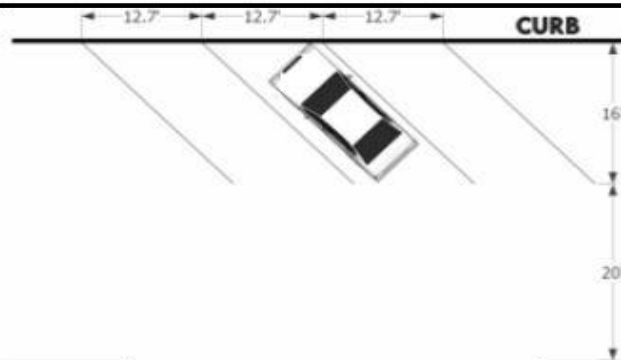
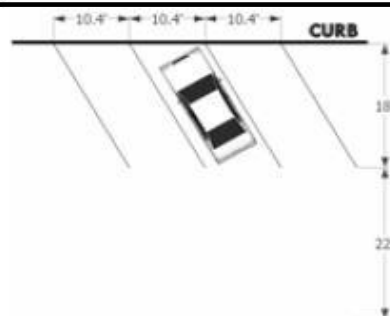
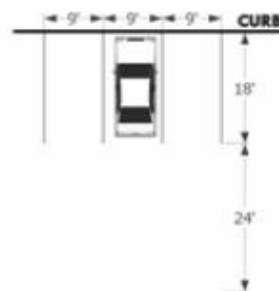
TOTAL USABLE FLOOR AREA

0 to 9,999 square feet
 10,000 to 14,999 square feet
 15,000 to 19,999 square feet
 Over 20,000 square feet

SPACE REQUIRED

One (1) space
 Two (2) spaces
 Four (4) spaces
 Three (3) spaces, plus one (1) additional space for each additional 20,000 square feet



Parallel**30 Degree Angled Parking****45 Degree Angled Parking****60 Degree Angled Parking****90 Degree Angled Parking**

- A. The spaces shall be large enough to accommodate tractor-trailer vehicles.
- B. The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.
- C. Where areas adjoining residential zones are likely to be used for truck loading, storage or driveways, the transitional zone must provide protection through use of earth berms or solid masonry materials.
- D. Where lighted parking areas are located adjacent to residential zones, lighting shall be designed to minimize illumination across the boundary, and the transitional buffer must screen headlights.

2.201. Specific Use Standards

- a) **Single Detached Dwelling and Duplex** - Not less than two (2) spaces for each dwelling unit.
- b) **Apartment Dwelling** - Not less than one and one-half (1-1/2) spaces per unit.
- c) **Boarding Houses and Rooming Houses** - Not less than one (1) space for each one (1) room to be rented.
- d) **Mobile Home Parks** - Not less than two (2) spaces for each mobile home space.
- e) **Other Dwelling Units** - Not less than two (2) spaces per dwelling unit.
- f) **Hotels, Motels, and Other Tourist Accommodations** - Not less than one (1) space for each room to be rented, plus one (1) additional space for each three (3) employees.
- g) **Any Auditorium, Church, Stadium, or Other Place of Public Assembly** - Not less than one (1) space for each five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc. at least one (1) space for each two hundred

(200) square feet of floor space devoted to that particular use shall be provided.

- h) **Manufacturing, Industrial or Wholesaling Use** - Not less than one (1) space for each five (5) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
- i) **Office and Professional Buildings** - Not less than one (1) parking space for each three hundred (300) square feet of office space plus one (1) parking space for every three (3) employees.
- j) **Retail Sales and Services Establishments** - Not less than one (1) parking space for each three hundred (300) square feet, or fraction hereof, of sales space in general commercial districts and the rural center districts.
- k) **Medical or Dental Clinic** - Not less than four (4) spaces per doctor, plus one (1) additional space for each two (2) employees.
- l) **Roadside Service Facilities (Service Stations, Repair Shops or Similar Uses)** - Not less than five (5) spaces for grease rack or service bay, or one (1) space for each one thousand four hundred (1,400) square feet of lot area or fraction thereof, whichever is greater.
- m) **Restaurants** - Not less than one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.
- n) **Other** - For buildings and uses not listed, the off-street parking requirements shall be determined by the **Board of Zoning Appeals**.

2.202. Certification of Minimum Parking Requirements

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

2.203. Combination of Required Parking Space

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

2.204. Remote Parking Space

If the off-street parking space required by this resolution cannot be reasonably provided on the same lot, on which the principal use is located, such space may be provided on any land within four hundred (400') feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this resolution, has been made for the principal use.

2.205. Extension of Parking Space into a Residential District

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

- a) The parking space adjoins a commercial or industrial district.
- b) The parking space has its only access to or fronts upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.

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

2.206. Requirements 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 into a public street to obtain egress.
- b) Each parking space shall be no less than ten (10') feet by twenty (20') feet and a minimum of two hundred (200) square feet in area.
- c) Entrances and exits for all off-street parking lots shall comply with the requirements of Section 2.060 of this resolution.
- d) The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- e) All parking areas and access drives except for those of one and two-family dwellings shall be suitably paved with an all-weather wearing surface and dustless material. Such all-weather wearing surface and dustless material shall be constructed using a sufficient depth of base and topping of asphalt, concrete, or other material approved by the Bedford County Planning Commission so as to accommodate the type and volume of traffic anticipated at the site. Compacted gravel or stone shall not be deemed to be an all-weather wearing surface and dustless material. However, the Board of Zoning Appeals may permit gravel surfaces in the M-1 District or for areas used for the outdoor display of merchandise provided that it can be demonstrated that doing so would cause no adverse effects to adjacent property.
- f) Parking lot access points and internal drives shall be so designed so as to minimize conflict points. Landscaping and or curbs shall be used to formalize drive areas and minimize conflict points. Generally accepted engineering practices shall be used regarding the design of internal drive lanes, intersections, width between parking rows, etc. The Bedford County Planning Commission may consult with an engineer or may otherwise require that any

parking lot design submitted for approval demonstrate that generally accepted engineering practices have been followed.

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

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

- h) Where areas adjoining residential zones are likely to be used for truck loading, storage or driveways, the transitional zone must provide protection through use of earth berms or solid masonry materials.
- i) Where lighted parking areas are located adjacent to residential zones, lighting shall be designed to minimize illumination across the boundary, and the transitional buffer must screen headlights.

2.207. Queuing Requirements for Drive-Through Facilities

The minimum number of queue spaces, including the vehicle being serviced, shall be provided according to Table 3.016. Each queue space shall be a minimum of twenty (20') feet in length. Unless otherwise indicated in the table, queuing shall be measured from the point of ultimate service to the end of the queuing lane. Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other traffic using the site. Each land use in Table 3.016, shall have a bypass lane with a minimum width of twelve (12') feet and shall be clearly distinguished from the queuing lane by markings. Queuing vehicles shall not stand within a public street or alley rights-of-way.

**TABLE 2.207A
QUEUING REQUIREMENTS FOR DRIVE-THROUGH
FACILITIES**

TABLE INSET

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

2.300. TRAFFIC IMPACT STUDY REQUIRMENTS

2.310. PURPOSE

The purpose of a traffic impact study (TIS) is to determine the need for any improvements to the adjacent and nearby transportation system in order to maintain a satisfactory level of service, and acceptable level of safety, and to provide appropriate access to a proposed development.

2.320. WHEN A TRAFFIC IMPACT STUDY IS REQUIRED

A traffic impact study to assess the transportation impacts of a zoning amendment application, special exception application, subdivision application, or site plan application shall be required when:

- a) The expected number of trips generated by the proposed development exceeds 100 peak hour vehicle trips per day as defined by the Institute of Transportation Engineers (ITE) Trip Generation Informational Report or by a trip generation study of comparable land uses prepared by a qualified and experienced transportation professional.
- b) A zoning or land use change is requested that will result in a more intensive trip generating use that exceeds 100 peak hour vehicle trips per day as defined above.
- c) The County Planning Director has specific and articulable concerns about adjacent or nearby roadways and intersections, site access, and/or safety issues.

The applicant shall prepare trip generation information for any proposed project. This information will be reviewed by County Planning staff to determine if a traffic impact study will be required. Trip generation information should be discussed with County Planning staff early in the development process and prior to the actual submission of an application.

When required, two (2) copies of completed traffic impact studies shall be submitted for review as part of the zoning amendment application,

special exception application, subdivision application, or site plan application.

2.330. Traffic Impact Study Preparation

The traffic impact study shall be prepared by a registered Professional Engineer (P.E.) in good standing with the State of Tennessee and with specific training and experience in traffic engineering. The cover page should be stamped and signed by the licensed engineer responsible for all of the work presented in the study.

2.340. Traffic Impact Study Scope

Before the initiation of any traffic impact study, it is critical that the study preparer meet with the County Planner or authorized representative to determine the scope of the study. At a minimum, the following items should be reviewed as part of the determination of the scope of the traffic impact study:

- a) Study of methodologies and assumptions.
- b) The study area limits.
- c) The horizon year(s) to be analyzed.
- d) The time periods to be analyzed.
- e) County staff and/or neighborhood sensitivities.
- f) Other approved developments in progress in the study area.
- g) Planned roadway improvements within the study area.

The study preparer will prepare a summary of the meeting or discussion of the traffic impact study scope. The summary will be submitted to the Planning Department for approval prior to initiating the traffic impact study.

2.350. Traffic Impact Study Contents

A traffic impact study should include the following components:

- a) Executive Summary

The executive summary will include a description of the study area and proposed development/project, a summary of the primary findings of the study, and identification of conclusions, recommendations, and mitigation measures for the project.

b) Introduction

The introduction will include the purpose and objectives of the study and a general description of the project proposal and location. The process and methodology used within the study should be summarized in this section.

c) Project Description

The project description will include information and drawings about the proposed project's location as well as information related to the current zoning or existing development on site and any proposed rezoning or site modifications that will be necessary to complete the project. The schedule for project completion or information about development and construction phases should be specified in this section.

d) Existing Conditions

The existing conditions section will include information related to the land use and transportation system within the study area limits. The land use summary will describe the different uses and zoning that surround the project and any other uses that are present within the study areal limits. Information related to the transportation system will include a description of the existing roadways and plans for any roadway improvements, presentation of existing traffic volumes in the study areal limits, and discussion of any other applicable components such as transit services and pedestrian, bicycle or multi-modal facilities.

e) Background Traffic Conditions

Background traffic will consist of two (2) specific components. A growth rate based upon historical traffic count information from ADT (Avg. Daily Traffic) counts within the vicinity of the study area will be used to adjust existing traffic volumes to account for population growth and general small-scale development. Traffic projections for approved projects that have not yet been constructed will be included in the background traffic forecast. The approved but not yet constructed projects will be identified by the County staff. Background traffic volumes within the study area limits will be presented within the traffic impact study.

f) Project Trip Generation

Trips generated by the proposed project will be determined using data listed in the latest edition of the ITE Trip Generation Informational report. Trip generation will be presented in a table that shows the results for each land use and each phase of the proposed project. If the trip generation for the proposed project will be adjusted for internal trips or pass-by/diverted link trips, the assumption and results of trip generation adjustments will be identified as part of the project trip generation. A specific trip generation study can be conducted, and its results used in place of the ITE data if the traffic study preparer or County Planner believes that the ITE Trip Generation Informational report does not contain adequate data for the proposed project.

g) Project Trip Distribution and Assignment

The function of trip distribution is to calculate the number of trips between one zone to another, given the previously determined Project Trip Generation, if the proposed project will be distributed and assigned throughout the study area limits. The trip distribution will be logical and based upon existing traffic patterns, an approved land use or transportation plan model, population and employment data within the study area, and specific market analysis data for the proposed project. A combination of these sources may be used to develop the trip distribution that will be presented in the traffic study. The project trip generation should be applied to the project trip distribution to develop the traffic assignment for the proposed project. The traffic assignment, or site traffic, for the proposed project will be presented in the traffic impact study.

h) Future Traffic Conditions

Future traffic conditions will consist of the existing traffic volumes, the background growth due to population growth and general small-scale development, and the site traffic based upon the project trip generation and distribution. Future traffic volumes within the study area limits will be presented within the traffic impact study.

i) Transportation Analysis

The analysis of existing, background, and future traffic conditions will include the following components. Analysis results will be presented in a tabular format.

1. Capacity Analysis

Analysis of intersection operations will include determination of level of service (existing, background, and future conditions) and review of queue lengths. Queue lengths that exceed the provided storage capacity of a turn lane or that will block an adjacent intersection should be noted in the traffic impact study. If applicable, roadway segment analysis will be conducted for locations within the study area as established at the scope determination meeting. Capacity analysis output reports will be included in the appendix of the traffic impact study.

2. Turn Lane Warrant Analysis

Warrants for left and right turn lanes will be checked at site access locations and at other unsignalized intersections within the study area limits. For left turns, use M.D. Harmelink's Volume Warrants for Left-Turn Storage Lanes as Unsignalized Intersections methodology found in the TDOT Roadway Design Guidelines (page(s) 2-28 to 2-37) and in NCHRP Report 457 (figure 2-5) to determine if left turn lanes are needed. For right turns, use NCHRP Report 279 (pages 64-65) or NCHRP Report 457 (figure 2-6) to determine if right turn lanes are needed.

3. Traffic Signal Warrant Analysis

Traffic signal warrants will be checked if a traffic signal is proposed for an intersection in the study area limits that will provide access to the project or as an off-site mitigating measure improvement. Signal warrant analysis will be performed using the volume-related signal warrants listed in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).

4. Safety Review

New driveways and roads (public and private) that will provide access to the project should have the intersection sight distance checked at all intersections with existing roadways. Address any sight distance issues based on the intersection sight distance and stopping sight distance criteria as described in the AASHTO book, A Policy on Geometric Design of Highways and Streets. If a documented, high crash location is in the study area, it will be evaluated when adequate information for analysis is readily available. Qualitative observations and future traffic condition impacts

will be identified as part of the safety review for the study area.

5. Site Access, Circulation, and Parking Review

The project site plan will be reviewed for items related to access, circulation, and parking will be identified. These items include driveway spacing, throat lengths, drive/aisle geometry, on-site parking, and access circulation for automobiles and trucks.

j) Conclusions and Recommendations

The conclusions and recommendations of the traffic impact study will include a summary of the existing conditions, background conditions, mitigation measures and future conditions. All proposed roadway and transportation improvements will be identified. Details such as turn lane storage lengths, taper lengths, design speeds, signal phasing requirements, new roadway design criteria, etc. will be specified. The schedule and funding source for any improvements that will be completed by the county, state, or other agency will be identified, if any. In the event no such improvements are identified, all recommended roadway and transportation improvements and their cost will be the responsibility of the developer. The timing for the completion of the recommendations will be included in the study and based on the proposed construction phasing for the project and the stage of development when the improvements are needed to maintain acceptable traffic operations.

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ARTICLE III

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIAL EXCEPTIONS

SECTION

- 3.010 Accessory – Agricultural Operations**
- 3.020 Accessory Dwelling Units (Guest Houses)**
- 3.030 Adult-Oriented Business Establishments**
- 3.040 Automobile Wrecking, Junk & Salvage Yards**
- 3.041 Development Standards for Vehicle Storage**
- 3.050 Bed and Breakfast Establishments**
- 3.060 Community Assembly**
- 3.070 Community Education (Private)**
- 3.080 Cultural and Recreational Services**
- 3.090 Customary Incidental Home Occupations**
- 3.100 Day Care Homes**
- 3.110 Drainage Structures and Storm Sewers**
- 3.120 Fall-Out Shelters**
- 3.130 Feedlots and Stockyards**
- 3.140 Firearms Ranges & Training Facilities (Outdoor) and Related Activities**
- 3.150 Flea Markets**
- 3.160 Gasoline Service Station Restrictions**
- 3.170 Group Assembly Activities (Large)(Arena’s & Campgrounds)**
- 3.180 Group Assembly Activities (Small) and Light Entertainments**
- 3.190 Group Care Activities**
- 3.200 Health Care Facilities**
- 3.210 Homeless Shelters**
- 3.220 Landfill or Hazardous Waste Facility (Disposal, Treatment)**
- 3.230 Intentionally Left Blank**
- 3.240 Manufacturing Activities (Extensive)**
- 3.250 Manufacturing Activities (Intermediate)**
- 3.260 Manufactured Homes (Individual Units)**
- 3.270 Micro and Craft Distillery**
- 3.280 Mining & Quarrying Activities**
- 3.290 Mini-Storage Warehouses**
- 3.300 Mobile Home Parks**
- 3.310 Multi-Family Dwellings & Mobile Home Park Activities**
- 3.320 Personal Structures For Use By Property Owner**
- 3.330 PUD and Cluster Residential Development**

- 3.340 Private Airstrips
- 3.350 Shopping Centers
- 3.360 Signs, Billboards, and other Advertising Structures
- 3.370 State Route 437 By-Pass
- 3.380 Subsurface Disposal of Toxic Materials
- 3.390 Temporary Use Regulations
- 3.400 Telecommunications Antennas and Towers
- 3.410 Vehicular Storage
- 3.420 Wedding Facilities
- 3.430 Rural Village Neighborhood Development Regulations

3.010. ACCESSORY-AGRICULTURAL OPERATIONS

- A. Property must be located in an agricultural district and be of a size that is equal to or exceeds fifteen (15) acres;
- B. No proposed use shall occupy more than two (2) accessory buildings with total square footage not to exceed three thousand five hundred (3,500) square feet unless the building is an agricultural-only structure;
- C. Accessory buildings may not be altered so that the character of agricultural function is not maintained;
- D. Any site within one hundred (100) feet of any residential structure on any adjoining lot shall maintain a minimum of a twenty-five (25) foot buffer between the residential structure;
- E. Provide an adequate parking area in compliance with Article II, Section 2.200, of this resolution.
- F. Any proposed sign shall be limited to one (1) ground, graphic sign, and no more than four (4) feet in height and sixteen (16) square feet and otherwise in compliance with the provisions in Article III, Section 3.360.
- G. No outside storage of goods or materials shall be visible from any public road. Uses involving the storage, transfer or disposal of hazardous materials shall not be permitted.
- H. All automobiles or trucks parked on the site are required to have a current registration and license plates.

3.020. ACCESSORY DWELLING UNITS (GUEST HOUSES)

An accessory dwelling unit either attached or detached to the primary single-family residential dwelling unit, which provides complete living facilities for one or more persons on the same property as the primary single-family residential dwelling unit. The following items are standard that shall apply to all accessory dwelling units.

- A. No more than one accessory dwelling unit shall be permitted on a single property in conjunction with the primary single-family dwelling unit;
- B. The accessory dwelling unit shall be owned by same person(s) as the primary dwelling unit;
- C. The accessory dwelling unit shall not be used as a rental property;
- D. The maximum size of an accessory dwelling unit shall be limited to the zoning resolution or eleven hundred (1100) square feet, whichever is more restrictive. Accessory dwelling structures shall always be subordinate in size to the principle structure. In the case where a pre-existing agricultural structure or barn is proposed to be improved with an accessory dwelling unit inside, the square footage of the heated living space must be subordinate in size or scope to the principal structure. Minimum dimensions of the accessory dwelling unit shall be determined by the adopted building codes;
- E. The total area of the primary and accessory dwelling units shall not exceed maximum lot coverage requirements of the zoning district;
- F. Attached accessory dwelling units shall be under the same building setback requirements as the primary dwelling unit. A detached dwelling unit's location shall be based on accessory structure setback requirements of the zoning district;
- G. The property shall contain adequate off-street parking for both the primary and accessory dwelling units; and
- H. Accessory dwelling units shall be designed to be an accessory to the primary structure. The Board of Zoning Appeals review may include not

allowing separate doors visible from street, separate drive access, property address, utility meters, and any other items deemed necessary to ensure that the accessory dwelling unit shall be designed to an accessory to the primary residential dwelling unit and that the accessory dwelling unit shall not be a primary residential dwelling unit.

3.030. ADULT-ORIENTED BUSINESS ESTABLISHMENTS

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

- A. No such establishment shall be located within two thousand (2,000) feet (measured property line to property line) of any residence, church, school ground, college campus or park;
- B. No such establishments shall be located within two thousand (2,000) feet (measured property line to property line) of any other adult entertainment business;
- C. No such establishment shall be located within two thousand (2,000) feet from any residential zoned property;
- D. All such establishments must be in compliance with all provisions of the Tennessee Code Annotated, Sections 7-51-1101 through 7-51-1121 and any applicable regulations of Bedford County, Tennessee;
- E. Have submitted both a site plan and business plan to the Bedford County Adult Entertainment Board – its findings (favorable or unfavorable) being forwarded to the Board of Zoning Appeals;
- F. Vegetation screen or ornamental fence which will substantially screen the adult entertainment business from view of the public right-of-way and neighboring properties, as provisioned in Article II, Section 2.090, shall be provided around or near the perimeter of the adult entertainment business. Such vegetation of fence shall be maintained in good condition at all times;
- G. All bulk regulations of the zoning district shall apply;

- H. The off-street parking requirements of Article II, Section 2.200 shall apply;
- I. Sign messages shall be limited to the business name and a verbal description of material or services on the premises (not visible to the public at-large) and may not include any graphic or pictorial depiction of material or services available on premises or any obscene language in either the business name or its services; and
- J. Messages or signs which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publication, pictures, films, or live presentation of persons performing or of any services offered on the premises.

3.040. AUTOMOBILE WRECKING, JUNK & SALVAGE YARDS

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

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than five hundred (500) feet from any established residential zone.
- C. No person shall establish, operate, or maintain a junkyard, salvage yard, or automobile wrecking yard, any portion of which is within one thousand (1000) feet of the nearest edge of the right-of-way of any interstate or state highway, except for the following (as regulated by T.C.A. §§ 54-20-104(a)(3) and 54-20-106; 23 U.S.C., § 136, TN Chapter 1680-2-4 Rules and Regulations for Junkyard Control 1680-2-4-.03 Location Restrictions):

1. Those junkyards, salvage yards, or automobile wrecking yards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of an interstate or state highway, or which are otherwise removed from year-around sight entirely.
 2. Those junkyards, salvage yards, or automobile wrecking yards located within areas which are zoned for industrial use.
 3. Those junkyards, salvage yards, or automobile wrecking yards with un-zoned historical industrialized areas.
- D. 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. Any licensed dismantler located on a State Highway, whether or not having a grandfathered status, must meet this requirement for continued state licensing.
- E. 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.
- F. **Ingress and Egress** - The number of vehicular access driveways permitted on any single street frontage shall be limited to:
1. One (1) driveway where the parcel to be used, has a maximum road or street frontage of one hundred (100) feet or less.
 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to thirty (30) feet in width maximum, exclusive of curb returns.
- G. **Application for Automobile Wrecking, Junk or Salvage Yard Permit**
No person shall own or maintain an automobile wrecking, junk, or salvage yards within Bedford County, or enlarge or expand the existing land surface area beyond what was previously permitted upon application pursuant to these regulations, until he has secured a permit from the Bedford County Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article VIII, Section 8.080, of this resolution, and shall be accompanied by a detailed site plan,

indicating exact dimensions of area to be used, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with Section 8.080.

H. **Grandfathered Junk, Salvage, or Automobile Wrecking Yards.** Grandfathered and non-conforming junk, salvage, and automobile wrecking yards may lawfully continue in their existing condition subject to the following conditions.

1. The junk, salvage, or automobile wrecking yard must continue to be lawfully maintained and operated;
2. There must be existing property rights in the junk, salvage, or automobile wrecking yard;
3. Junk, salvage, or automobile wrecking yards consisting of abandoned or worthless junk, or the like, shall not be lawful;
4. Abandoned junk or salvage yards shall not be lawful;
5. The junk, salvage, or automobile wrecking yard may not be extended, enlarged, or changed in use.
6. The junk, salvage, or automobile wrecking yard, if located within one thousand (1000) feet of any portion or right-of-way of an interstate or state highway must meet the screening and buffering standards listed in Article II, Section 2.090 per state law.

3.041. DEVELOPMENT STANDARDS FOR VEHICULAR STORAGE

The open storage of three (3) or more inoperative motor vehicles on any lot or parcel shall be unlawful and considered to be a violation of this zoning resolution, unless the storage takes place upon the site of one of the following:

1. The site of a properly zoned Automobile Dismantler/Recycler that is licensed by the Tennessee Motor Vehicle Commission or its subsequent state equivalency.
2. The site of a properly zoned junkyard, salvage yard or automobile wrecking yard that is licensed as a business establishment.

3. The site of a properly zoned car repair or towing establishment.

A. Evidence of Violation

The presence of any such vehicle or parts thereof is hereby declared to be evidence of a violation of this zoning resolution. Such violation is punishable as provided in **Article VIII, Section 8.110. Penalties.**

B. Exemptions

Vehicles meeting one (1) of the following conditions are exempt from this provision.

1. Any abandoned, wrecked, junked, partially dismantled or inoperative motor vehicle is kept within a walled building.
2. Any farm machinery, including tractors and trucks used specifically in farming activities.

3.050. BED AND BREAKFAST AND SHORT TERM RENTAL

In addition to the requirements of the applicable district and the general requirements set forth in Section 8.080, the following special conditions shall be met prior to issuing a zoning compliance certificate.

- A. All guest quarters shall be housed within a single principal structure. A single principal structure to be used as a bed and breakfast establishment shall utilize a single roofing system and shall not include any portions of the structure attached by a breezeway.
1. Bed and Breakfast residences shall continuously maintain current licenses and permits as required by local and state laws.
 2. Bed and Breakfast residences shall be solely operated by members of the family residing in the residence, or in the case of Short-Term (Air B&B) Rental, operated by the actual owner or a licensed management company, not an unlicensed 3rd party.
 3. Occupant capacity shall be limited to a multiple of two-times the number of available rooms of the home plus four people, or 10 people, whichever is less.
 4. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent nor any bedroom suite

containing a kitchen or stove. Kitchenettes with microwave ovens are permitted.

5. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
6. Bed and Breakfast residences shall be limited to a single on-premises sign which shall be no greater than eight (8) square feet in size and shall be located no closer to the street right-of-way line than fifteen feet.
7. One (1) off-street parking space shall be provided for each room offered for rent in addition to the required spaces reserved for the single-family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.
8. If food is prepared or cooked, a menu made available, and a price is charged therefore, a food server's license must be obtained from the Tennessee Department of Health. Only one meal per day, breakfast, or brunch, may be provided to guests.
9. Wired smoke detectors with battery backups shall be installed in each sleeping room (installed to current International Electrical Code), and a fire extinguisher ten pounds in size or larger shall be installed and made easily accessible on each floor or story.
10. An evacuation plan must be approved prior to the issuance of a zoning compliance certificate for a Bed and Breakfast residence or Short-Term (Air B&B) Rental and placed in a conspicuous place on each floor or story.
11. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
12. Certification shall be provided by the Bedford County Health Department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

- B. Bed and Breakfast and Short-Term (Air B&B) Rentals shall not be located or situated within the boundaries of any municipal Urban Growth Boundary located in Bedford County.
- C. Bed and Breakfast and Short-Term (Air B&B) Rentals shall not be located or situated inside the boundaries of any platted *minor* or *major subdivision, PUD, or Cluster Home* development as defined by the current Bedford County Subdivision Regulations and Bedford County Zoning Resolution.

3.060. COMMUNITY ASSEMBLY

- A. No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres;
- B. All bulk regulations of the zone district shall apply;
- C. Off-Street Parking;
 - 1. For non-profit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided; any item not specifically covered herein shall be governed by **Article II, Section 2.200** of this Resolution; and
 - 2. For temporary non-profit festivals, the required number of off-street parking spaces shall be determined by the Board, considering the typical traffic generation of such facility, the hours, or other such factors as may affect the need for off-street parking.
- D. Except for temporary non-profit festivals, fencing, screening and landscaping shall be provided as appropriate for such facility as provisioned in **Article II, Section 2.200**, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property;

- E. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area;
- F. All public utilities and sewage disposal shall be available and connected to the site; and
- G. Except for temporary non-profit festivals, the site and/or architectural plans shall first be approved by the Planning Commission considering the above conditions.

3.070. COMMUNITY EDUCATION (PRIVATE)

- 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 vehicular and pedestrian traffic generated by such a facility shall be safely accommodated along the streets, which will provide both road and sidewalk access to the site. The Board may recommend such road or sidewalk improvements, the expense of which shall be borne by the developer, as may be necessary to facilitate safe ingress and egress to the facilities;
- C. The location and design of such facilities shall not have an adverse effect upon surrounding properties;
- D. Fencing, screening, and landscaping shall be provided, as provisioned in Article II, Section 2.090, shall apply and the development shall not have an adverse effect on properties within the surrounding area, and
- E. The off-street parking requirements of Article II, Section 2.200 of this Resolution shall apply.

3.080. CULTURAL AND RECREATIONAL SERVICES

- A. No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district;
- B. All bulk regulations of the district shall apply;
- C. The off-street parking requirements in Article II, Section 2.200 of this Resolution shall apply;
- D. Fencing, screening, and landscaping shall be provided, as provisioned in Article II, Section 2.090, shall apply and the development shall not have an adverse effect on properties within the surrounding area; and
- E. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on properties within the surrounding area.

3.090. CUSTOMARY INCIDENTAL HOME OCCUPATIONS

A. Type I Home Occupations (Occupations Inside a Residence)

A customary incidental home occupation is described as a gainful occupation or profession conducted by members of a family residing on the premises, or only one (1) non-family person in addition to those persons residing therein and conducted entirely within the existing 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 sixteen (16) square feet in total area is permitted. Typical Type I home occupations include but are not limited to:

- 1. The professional office of an architect, artist, dentist, engineer, lawyer, physician and the like;
- 2. Barber and beauty shops;
- 3. Tailor shops;

4. Swimming Pool or other property maintenance professionals, who perform their work at locations other than the principle structure, and only use the principle structure for the administrative functions of business or the storage of tools or products used in business;
5. A bakery or food preparation business (Commercial Kitchen);
6. The accommodation of not more than two (2) boarders); or
7. The administrative office operations of any business which does not offer professional services at the home but travels to its clients to perform all professional services elsewhere (example: Electrician, HVAC contractor, building contractor, outside sales representative, or truck driver with one (1) truck).

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation. Type I Home Occupations will require a special exception permit from the Board of Zoning Appeals.

B. Type II, Home Occupations (Occupations Outside the Residence)

The purpose of the Type II, Home Occupations section of this resolution is to provide the opportunity for the use of the property for limited business purposes. These criteria are designed to maintain the character of the surrounding residential or agricultural area, to minimize any conflicts of the home occupational use with the surrounding residential use, and to maintain and protect property values.

A Type II Home Occupation means: an accessory use of a dwelling unit or an accessory building on premises for gainful occupation or profession conducted by members of a family residing on the same premises. Type II Home Occupations must be clearly incidental to the primary use of the dwelling as a residence. An announcement sign of not more than twelve (12) square feet (ex. 3' H. x 4' L) in total area is permitted. Type II Home Occupations will require a Special Exception permit from the Board of Zoning Appeals.

To be classified as a home occupation under the Type II category, the following criteria must be met.

1. No nuisance effects (noise, vibration, odor, discharge-of-materials, fluids, gases, excessive lighting, glare, fumes, electrical interference, or any similar activity) shall emanate from the conduct of the home occupation which would adversely affect the health, safety, or tranquility of the surrounding neighborhood. This includes delivery or storage of trucks greater than eleven thousand (11,000) pounds gross vehicle weight.
 - a. No more than one (1) employee may work at the site of the business other than family members who reside in the dwelling. In no case shall the home occupation have more than three (3) employees working at the site.
 - b. No alteration to the dwelling shall indicate from the exterior that the building is being utilized for any purpose other than as a residential unit.
 - c. Type II Home Occupations may be conducted in an accessory structure located on the same property as the owner's principal dwelling. This accessory structure, if newly constructed, shall be incidental to and subordinate in size to the principal structure. Pre-existing agricultural structures, even if they are larger than the allowed square footage, can be converted and re-utilized for incidental home occupations if approved by the Board of Zoning Appeals. Refer to Article II, Section 2.070 for applicable provisions related to accessory structures. Any Type II Home Occupation that utilizes an accessory building shall have a minimum lot size of five (5) acres. A subordinate accessory structure may be located in the rear yard only. Any Type II, Home Occupation accessory buildings shall be setback seventy-five (75) feet from adjacent residential or agricultural lots and at least one hundred-fifty (150) feet from an existing adjacent residence.
 - d. Accessory buildings used for home occupations shall be suitably screened from view from the road and adjacent residential and agricultural lots. This may be an approved decorative fence or year-round vegetation or a combination of both. If a landscape buffer is selected as the screening

method, it shall conform to the standards under Article II, Section 2.090 (B) (Figure 2.091A).

- e. No outdoor storage and/ or display of merchandise shall be permitted. However, auto/ light truck, marine, motorcycle, and farm equipment repair home occupations may build a fully screened (360 degrees) storage area for equipment awaiting repair. This area may be no larger than one half the size of the accessory building used for the home occupation. This area shall not be used for *vehicles-used-for-parts* or other salvage equipment.
- f. Retail sales shall be prohibited except for the retail sales of products, goods, or services produced on the premises as a result of the home occupation.
- g. All parking (loading/ unloading) associated with the conduct of the home occupation shall be off-road. Ample area shall be provided on the site for these activities and shall conform to the provisions in Article III, Sections 3.210 & 3.220.
- h. A general sketch plat (layout) of the applicant's property showing the location of the dwelling, driveway, parking area, accessory buildings, landscaping, etc., shall be submitted with the application.
- i. A business license obtained from the Bedford County Clerk.

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

- 2. Uses Specifically Permitted as Type II, Home Occupations:
 - a. Appliance Repair, of items intended for normal household use including: Heat/AC Systems, Electronics, Washers and Dryers, etc.;
 - b. Auto and Light Truck Repair;
 - c. Beauty/ Barber Shops;

- d. Ceramics, Pottery, Sculpture, Art, Crafts;
- e. Construction related services including:
Cabinet Making/Woodworking, Metal Working, Machining & Gunsmith, General Building Contractors, Masonry, Stonework, Tile Setting, Plastering, Painting, Paper- Hanging, Plumbing, Electrical Contractors, and other similar construction/fabrication related professions not requiring outdoor storage or vehicles greater than 11,000 pounds gross vehicle weight;
- f. Farm Equipment Repair;
- g. Lawn Mower Repair;
- h. Marine and Watercraft Repair (*but not their storage for a fee*);
- i. Motorcycle Repair;
- j. Offices Used for Professionals, including:
Accounting/Bookkeeping, Law, Real Estate, Architects, and Engineers;
- k. Small Engine Repair;
- l. Taxidermy;
- m. Small Scale Seasonal Wild Game Butcher: *Operated less than four (4) months per calendar year.*
- n. Florist;
- o. Tailor Shops;
- p. Textiles;
- q. Commercial Kitchens (*Small Scale, for Personal Use Only*).
- r. Upholstery Shops; and
- s. Welding

- t. Dog Kennels (*If parcel is 15 or more acres and kennel site is located (site plan) in a place which will substantially buffer adjoining landowners from noise and odors*).

C. Accessory-Agricultural Occupations

These provisions are established to provide supplemental occupations for residents located in a rural environment on lands not otherwise qualifying for exempted agricultural activities incidental to a working farm. All applications requesting approval for this type of home occupation are required to meet the provisions set forth in Article VIII Section 8.060, and any other safeguards the Board of Zoning Appeals may deem necessary. All accessory agricultural occupations require approval of the Board of Zoning Appeals as a Special Exception. Uses permitted as accessory-agricultural occupations shall include, but not be limited to:

1. auto, truck and farm equipment repair;
2. welding shops, wood working and cabinet shops;
3. manufacture or processing of garments;
4. the sale of farm supplies, lawn, and other equipment (excluding privately owned); and,
5. other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of an accessory-agricultural occupation.

Exempt Agricultural/Agri-Tourism Agri-Business Activities, as defined by the Tennessee Right To Farm Act TCA § Title 43, Chapter 26, Part 1, shall be permitted to occur without recognition of this section so long as it can be demonstrated to the Planning Director that the commercial activity conforms with the above mentioned Right To Farm Act and Tennessee Public Chapter No. 581 (March 10, 2014). This public chapter includes entertainment activities conducted in conjunction with, but secondary to, commercial production of livestock, farm products and nursery stock, when such activities occur on land used for the commercial production of livestock, farm products and nursery stock as activities exempt from local zoning regulations.

To be exempted under the Right to Farm Act or otherwise meet the standard definition of Agri-Tourism/Agri-Business, the proposed use shall be evaluated, and the farm shall be visited by the Planning Director to verify an active farming operation. The applicant(s) may also be asked to produce a copy of the Schedule F of the previous years' Federal Tax Return for the property in which the use is proposed to occur. If the proposed activity relates to existing agricultural uses, the gross annual income from the existing agricultural use must have met or exceeded \$1,500.00 (U.S.) for the filing year. Proposed *agricultural entertainment activities* (concerts, weddings, etc.) must be subordinate to the agricultural use(s) occurring or planned to occur on the farm; if in controversy, the term "subordinate" will be defined by the Board of Zoning Appeals for the specific use proposed, measured by the farming activities on the specific farm and its current and proposed land use(s).

3.100. DAY CARE HOMES

- A. All Childcare facilities, as defined in Article VII of this Resolution, that are permitted as Special Exceptions shall be subject to the following provisions:
1. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located;
 2. All public utilities and sanitary sewers shall be available and connected to the site unless the site is over one (1) acre in size. If public sewer is not available, proof of engineered and approved private septic system designed for the specific use must be included in the application;
 3. The Bedford County Fire Marshall shall approve the facility for safety;
 4. All requirements of the State of Tennessee Dept. of Human Services that pertain to the use shall be met, and necessary paperwork provided to the Board at the time of review;
 5. An outdoor play area of size no less than fifty (50) square feet per child shall be available and shall be properly fenced;

6. The facility shall be located so as to be compatible with the surrounding areas and provide safety to those using the facility. Entrances and exits to the site shall comply with Article II, Sections 2.050 and 2.060 of this Resolution. Further, the access shall be designed so as to prevent vehicles from backing into the roadway, and to provide adequate on-site parking, loading and drop-off capability in compliance with Article II, Section 2.200 of this Resolution;
 7. Fencing, screening, and landscaping shall be provided as provisioned in Article II, Sections 2.090 and 2.170 of this Resolution; and
 8. No such facility shall be permitted on a lot unless such lot contains at least one (1) acre.
- B. Childcare Centers permitted as Special Exceptions shall be subject to the following additional provisions:
1. No such facility shall be permitted on any road classification except arterial and collector roads, as identified on the Major Thoroughfare Plan of Bedford County.

3.110. **DRAINAGE STRUCTURES AND STORM SEWERS**

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

In no case shall an owner/developer:

1. Increase the discharge of water runoff from a construction project over the naturally occurring volume of water at time of construction;
2. Increase the discharge of water runoff from a construction project at a higher velocity over the naturally occurring velocity at time of construction; or
3. Change the direction of flow of water runoff to a non-natural recipient or in any way different from its natural easement (excluding engineering fixtures and detention/retention features designed to move, mitigate and comply with numbers 1 and 2 of this section).

A. **Drainage Plans Required**

Any development requiring a Site Plan as per ARTICLE II, Section 2.080, of this Zoning Resolution, that will have a total impervious area including all buildings, parking lots, and drive areas of over twenty thousand (20,000) square feet shall be required to submit a storm water drainage plan. Likewise, any construction project regulated by this Zoning Resolution that disturbs more than twenty thousand (20,000) square feet of topsoil shall submit an erosion control plan. Such plans shall be conducted by a Registered Engineer licensed by the State of Tennessee.

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

B. Nature of Storm Water Facilities

1. Location

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

2. Accessibility to Public Storm Sewers

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

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

3. Accommodation of Upstream Drainage Areas

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

4. Effect on Downstream Drainage Areas

The Planning Commission may also require that any drainage study for a proposed development consider the effect on adjacent property at the drainage discharge location. Where it is anticipated

that the location of an outlet or other discharge point will cause erosion, wetlands, or other negative impacts on adjacent property, the Planning Commission may withhold approval of the development until provision has been made for adequate improvement of such drainage facilities. No development shall be approved unless adequate drainage is provided to an adequate drainage watercourse or facility.

C. Dedication of Drainage Easements

1. General Requirements

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

2. Drainage Easements

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

- a) When a new drainage system is to be constructed which will carry water across private land outside the development, appropriate drainage rights must be secured and indicated on the Site Plan or otherwise documented as needed.
- b) The applicant shall dedicate, when required by the Regional Planning Commission, either in fee, or by drainage or conservation easement, the land on both sides of existing water courses to a distance to be determined by the Regional Planning Commission.

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

3. Ditching

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

4. Concrete Ditch Paving

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

5. Culverts and Storm Drains

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

D. Erosion Control Plans

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

3.120. FALL OUT SHELTERS

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.

3.130. 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 facility shall be permitted on a zone lot unless it contains twice the lot area requirements of the district; provided, however, that if such activity included 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 provide the following:
 - 1. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals;
 - 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. Permit from the Tennessee Department of Environment and Conservation (T.D.E.C.) for a C.A.F.O. (Concentrated Animal Feeding Operation);
 - 6. Proposed fencing of the site; and

7. Insect, rodent, or odor control measures shall be provided to the satisfaction of the Board of Zoning Appeals.

3.140. FIREARMS RANGES & TRAINING FACILITIES (OUTDOOR) AND RELATED ACTIVITIES

The proposed development of any Outdoor Firearms Ranges & Training Facilities and Related Activities, excluding skeet shooting/turkey shoots, shall be reviewed by the Board of Zoning Appeals. The following materials/conditions must be submitted/met for such an operation to be considered for approval:

- A. Engineered Site Plan as found in Article II, Section 2.080.
 1. The parcel must be large enough in size to meet the conditions that will be created by the specific plan. In addition to the standard requirements, the plan shall describe the types of weapons that will be permitted on the range, their respective effective and maximum ranges, along with the location of all existing and proposed buildings, structures, berms, SDZ's, fencing, landscaping, drainage, acreage, and other significant site elements along with a vicinity map which identifies all land uses within one mile of the site. The site plan will also specifically describe the dimensional characteristics of the berms and how they will be constructed.
 2. A surface danger zone (SDZ) appropriate for the typical weapons utilized and target distance(s) that will be deployed on the range shall be required for initial review by the Board of Zoning Appeals. This will include the effective and maximum range of the typical weapons, any weapons or calibers that might be specifically excluded from use on the range, and a visual map, included as a page or insert to the site plan, that visually depicts the surface danger zone of the range onto adjoining parcels, given a 5 degree angle from the direction of intended bullet flight path, and an explanation as to how the developer intends to mitigate the risk of danger to adjoining landowners within that 5 degree angle.
 3. The parcel must not allow for weapons to be pointed in the direction toward and within a five (5) degree angle of a platted residential development situated within five thousand two hundred fifty (5,250) feet (1 mile) of the weapon discharge line(s) in order to reduce the potential for death or serious bodily injury to persons in the direct line of fire, who may be accidentally struck by rifle rounds that over-shoot the intended targets.

4. Parking as regulated in *Article II, Section 2.200*.

- B. Noise Abatement Plan. The developer shall conduct preliminary tests to measure the decibel levels of the highest caliber rifle and pistol permitted to be used on the proposed range. The weapon(s) shall be fired safely into a standard downward deflecting or bullet retention type target, from a location on the property determined to be the proposed firing line for the firing range. These decibel levels shall then be measured from each of the various property corner boundary lines. These tests shall be conducted by a qualified third party who shall make or prepare a report which shall be submitted to the BZA with the application. These weapon discharge decibel levels shall in no case exceed a level of eighty-five (85) decibels (dB).

The developer shall also submit a noise abatement plan. This plan shall include proposed methods of additional noise abatement including but not limited to locating the construction or placement of earthen deflection berms, trees, plantings, shields, or other methods to mitigate noise. The plan may also include a set of range rules that may prohibit certain calibers of weapons in order to maintain the noise abatement standard.

- C. General Safety Plan. The developer shall submit a general safety plan, backed up by a set of range rules to be followed by all patrons utilizing the firing range. The safety plan shall include specific signage design, signage placement locations, proposed eye-wash station locations, fire extinguisher locations, methods for transition from a hot range to a cold range – the duration of these periods, the rules for ingress/egress from a firing line to the target area(s), methods used to enforce these rules, the safe storage of any fuels on site, specific rules that will address safety, the handling of weapons off and on the firing line and in safe areas of the development including the parking lot.
- D. Property must front on a county road identified as either “Collector” or “Arterial” on the Bedford County Major Thoroughfare Plan, State or Federal Highway for a distance of at least six hundred (600) feet to better ensure:
1. residents living near the facility better identify the use and are aware of the approved activities occurring on the property so as not to inadvertently traverse nor wander near dangerous areas; and,

2. to reduce the potential for such use to occur behind another lot-of-record and it be overly burdened by noise pollution by this type of development directly behind a residential use.
- E. The Board of Zoning Appeals may require additional buffering, signage, range rules, baffles or may deny the request if the site plan does not or cannot meet all the mentioned purposes, standards, and requirements, or other significant health and safety issues are present.

Post Approval Standards

Once approved by the BZA, the developer shall be required to meet the following criteria before being issued a conditional use permit to operate:

- A. Bullet Stops, Baffles, Deflectors, Shields, and Earthen Impact Berms shall be subject to the following minimum standards:
1. For open space ranges, an Earthen Impact Berm (EIB) shall be constructed at least twenty-six (26') feet in height above the range surface for firing stations one hundred (100) yards-long or longer and at least sixteen (16') feet in height above the range surface for ranges less than seventy-five (75) yards.
 2. The EIB(s) shall be constructed to have at least a four (4') feet width at the top of the berm and have a preferred slope ratio of 1 to 1 or steeper to better absorb projectiles. EIB(s) shall be constructed of compacted filtered soils, free from boulders, trees, rocks, stones, or other material that could cause ricochet. EIB(s) shall be properly seeded and protected by straw matting or other suitable material designed to facilitate permanent year-round grass cover.
 3. All facilities designed to be engaged at distances of fifty (50) yards or less shall not only be designed with EIB(s) to absorb projectiles aimed directly at them, but they shall also intersect at their sides with Perpendicular Safety Berms (PSB), PSB's of similar construction to reduce the likelihood of ricochet onto another property or another firing station. PSB's shall be constructed at 2/3 scale to that of an appropriate EIB and extend all the way back to the firing line.
 4. The firing lane and the EIB shall be on the same/similar topographical elevation or within a 5-degree angle up or down.

5. Steel backstops and targets may only be used if they are specifically designed and manufactured for that purpose by a third-party vendor, manufactured from AR500 steel with a thickness of at least three-eighths (3/8") inch thickness for handgun rounds and a thickness of at least one-half inch (1/2") for rifle rounds. Prominent signage and range rules must explicitly prohibit the use of any steel core or armor piercing ammunition when engaging steel targets. Steel backstops and targets must be designed to deflect rounds downward after striking and shall have a minimum downward deflection angle of twenty-five (25) degrees.
 6. Prominent signage and firing range rules shall prohibit anyone from engaging a steel target or backstop from a distance less than ten (10) yards or thirty (30') feet for handguns or any rim-fire chambered weapon and less than one hundred (100) yards for any centerfire rifle.
- B. Firing Ranges must observe the following minimum setbacks, fencing, signage, and landscape buffering standards:
1. **Rear Setback:** The rear of the firing range (direction bullets/projectiles are fired toward) must be setback at least one thousand eight hundred (1,800') feet (600 Yards) from any occupied structures, roads, and property lines.
 2. **Front Setback:** The front of the firing range must be setback at least six hundred (600') feet (200 Yards) from the property line to the interior side of the closest earthen impact berm (EIB).
 3. **Side Setback:** The sides of the actual firing range must be setback at least one thousand (1,000') feet from any adjoining property line.
 4. **Landscape Buffer:** There shall be an evergreen buffer of a minimum of fifty (50) feet wide on three (3) sides (sides and rear) of the firing range provided by the owner/developer if a natural buffer does not exist. There shall be an evergreen buffer of a minimum of twenty-five (25') feet along the frontage except for the ingress/egress area(s).
 5. **Minimum Standards:** For items not specifically mentioned in this resolution, the development, operation, and maintenance of firearms training facilities shall be in conformance with "The Range Manual" as published by the National Rifle Association (NRA.)

6. **Security fencing:** a minimum of six (6') feet in height of a chain link design shall be provided around the perimeter of the range, with proper signage of not less than six (6") inches by nine (9") inches posted every two hundred (200') feet around the perimeter shall be required of the range.
 7. **Inspections:** Compliance inspections may be conducted at any time by the Bedford County Planning and Zoning Office.
- C. The operation of the firearms training facility and related activity shall be subject to the following conditions:
1. The hours of operations shall be limited to daylight hours only, Sunday hours may not commence until ten (10) o'clock A.M.
 2. Decibel levels measured at the property boundary lines shall not exceed eighty (85) decibels (dB) and shall be measured by a qualified third party or by the Bedford County Zoning Office after the project is in operation.
 3. The owner/developer shall provide one and one-half (1.5) parking spaces per firing point or firing lane plus one (1) additional space for each employee. The number of handicap accessible parking spaces shall be according to the adopted Building Code Standard at the time of construction.
 4. The owner/developer shall provide handicap accessible restroom facilities as required by the adopted edition of the International Plumbing Code.
 5. The owner of the facility shall provide, on premises, documentation that all Federal and State Regulations have been met.
 6. Before initial business startup, the soil shall be tested for lead content by a qualified third-party testing Agency. Further tests shall be done every five (5) years in order to keep lead concentration in the soils below 250 ppm, as recommended by the State Division of Solid Waste Management. All testing shall be performed at the expense of the owner/developer and voluntarily and kept on file for inspection.
 7. No firing of any weapons shall be done from any motorized vehicle, watercraft, or aircraft. The firing of weapons shall only occur from person's free-standing, sitting at a shooting bench/fixed firing structure, or laying prone on a designated firing line.

8. No cross-firing. There shall be no firing of any weapon from any designated shooting station on one firing range to any target located at any another designated firing range of a different distance. Weapons will only be fired from shooting benches/stations directly at the target(s) specifically designated for engagement from that shooting bench/station.
9. Safety Plan. The Developer must submit a comprehensive range safety plan which addresses how the range will manage hot (live fire) and cold (cease fire) range sequences, loaded weapons during cold sequences, mandatory use of chamber flags or other visual devices to indicate a safe weapon, how patrons will check targets while remaining safe.

Violations

If during any post-development inspection, the firing range is found to be in violation of any provision herein or operating in contradiction to the submitted and approved site plans, the Zoning Compliance Officer may open a complaint with the Board of Zoning Appeals to seek compliance from the developer/owner. Public notice shall be made, and direct notice shall be made to the developer/owner of any scheduled hearing. The BZA shall first issue a letter of warning stating the specific violations occurring along with a proposed solution and a reasonable schedule in which to complete the remedies. Should the developer/owner(s) of the firing range fail to take steps to seek compliance within the time given by the BZA, the BZA may, at a future called meeting, revoke the conditional use permit.

3.150. FLEA MARKETS

The purpose of this Section is to protect the comfort, health, peacefulness, safety, and general welfare of the residents of Bedford County by establishing minimum standards when operating an outdoor Flea Market. It is the intent of this Section that any outdoor Flea Market is temporary in nature. An indoor Flea Market shall operate under the same conditions as set forth below, with the exception that it may operate (if operated completely indoors) as a full-time business.

A. Location and Permitting Requirements

1. An outdoor flea market shall be permitted to operate on lands zoned C-1 upon secondary approval of a special exception granted by the Board of Zoning Appeals, then by the issuance of a conditional use permit. Because a flea market is, in effect, a commercial use with unshielded outdoor displays of merchandise of all sorts, creating an aerial blight to adjoining or neighboring property owners, great care should be made by the Board of Zoning Appeals to ensure that these type occupancies are not located in places and locations deemed unsuitable due to nearby existing non-compatible uses (residential, retail, tourism).
2. Outdoor flea markets shall only be permitted on roads classified as Collector or Arterial as defined by the Bedford County Major Thoroughfare Plan and only on lands inside the boundaries of any municipal Urban Growth Boundary (U.G.B).
3. Outdoor flea markets shall only be operated on weekends bi-monthly.
4. Clear, unobstructed, two-lane ingress and egress private drives abutting public roadway sections that possess a minimum of one thousand (1,000') feet of straight and level roadway approaches, not located within one thousand (1,000') feet of any residential dwelling, shall be required of all sites. A minimum of fifty (50') of the driveway entering or exiting the public roadway shall have a paved surface in order to better facilitate a safe ingress to fast moving traffic.

B. Application Requirements

1. A proposed engineered site plan must be provided with the application, depicting the areas for the market, vendor location, parking (*see Article II, Section 2.080*), refuse storage area, public restrooms, loading and unloading area (*see Article II, Section 2.200*), existing and proposed ingress/egresses with detail and dimensional characteristics, along with a traffic impact study (*see Article II, Section 2.300*).
2. A proposed landscaping and buffering plan as per *Article II, Section 2.090*.
3. Zoning Permit fee, established by the Bedford County Commission, shall be paid in full prior to the acceptance of any application. The fee for a temporary seasonal and local “Not for Profit” flea market shall be waived. The applicant shall provide documentation of the not-for-profit status.
4. An application form stating the identify of all owner(s) with their legal personal addresses and contact information along with the legal address of the proposed site, copy of tax map, copy of tax card, a list of property owners within one thousand (1,000’) feet of the proposed location, and, if proposed on lands not owned by the applicant, a signed and notarized letter from the property owner stating that the proposed flea market has permission to operate on the property.

C. Permitted Goods and Duration

1. Outdoor flea markets shall be permitted to operate a maximum of two days, every other week. The proposed operational days of the week and business hours must be submitted with the application and approved by the Board.
2. Flea Markets may only operate during daylight hours.
3. The applicant must provide a clear and concise list of item-types allowed to be sold or traded on site. Noxious, odorous, explosive, or dangerous items are prohibited to be sold or traded.

D. Operating Requirements

1. Items required to be licensed, motorized vehicles, watercraft, and never owned or transferred firearms shall not be permitted to be sold. The following is a list of specifically prohibited items that may not be sold at any permitted outdoor flea market:
 - a. Any item, novelty or material that is considered to be sexually oriented;
 - b. Live animals (except for animal non-profit and/or foundation/government rescue adoptions), including the showing or display of exotic animals for sale at alternate locations (e.g., photos of parrots, snakes, or any endangered or wild animal for sale);
 - c. Fireworks;
 - d. Alcoholic Beverages;
 - e. Paraphernalia associated with drug and/or tobacco use or any regulated item such as hemp or hemp/THC byproducts;
 - f. Counterfeit or copyright-infringing items (e.g., handbags, jewelry, shoes, clothing, etc.);
 - g. Food processed packed or prepared at a home or other source not approved or inspected by federal, state, or local health authorities;
 - h. No mobile food vendors unless they have a Bedford County Business License.
2. Sales shall be made from booths and tables and not directly from motor vehicles. The flea market owner or operator shall coordinate with the Fire Marshall for any tent with dimension greater than ten (10') feet by ten (10') feet (100 sq. ft.) to ensure it has the proper fire-retardant coatings as well as for safe ingress/egress to the market and parking area in the event of fire.
3. Signage as regulated by Article III, Section 3.360.
4. No outdoor lighting is permitted.

5. All garbage and refuse shall be removed from the site at the end of every business day. The premises occupied by the outdoor flea market shall be kept clean and free of accumulated trash, refuse, or garbage during and after the hours of operation.

E. Revocation / Private Property Rights of Owners

1. The flea market operator may not allow the flea market to become a public nuisance. Any person including the Zoning Director and his/her designee may request the Board of Zoning Appeals to revoke the conditional use permit should the following conditions exist during the operation of the flea market; the existence of any of the following conditions is hereby declared to constitute a public nuisance:
 - a) Accumulation of any garbage, junk, abandoned property or rubbish;
 - b) Any condition that may threaten the health, safety, or economic welfare of abutting or adjacent property owners or occupants;
 - c) If the outdoor flea market presents a visual blight upon its neighborhood;
 - d) If the landscaping and buffering plan is not followed or the plantings maintained and living;
 - e) Significant deviation(s) from the approved site plan or any other item in the Special Exception Application. All permit modifications must be approved by the Board of Zoning Appeals;
 - f) If the outdoor flea market becomes a public safety hazard, including but not limited to, illegal parking on public roadways, fire/flood hazards, or creates a situation where the use interferes with safe roadway traffic, both vehicular and pedestrian;
 - g) If there is a finding of one or more violations by the Fire Marshall or Zoning Compliance Officer.

3.160. GASOLINE SERVICE STATIONS

The following regulations shall apply to all gasoline service stations.

- A. There shall be a building setback from all street right-of-way lines for a distance of not less than sixty (60') feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than thirty-five (35') feet to any street right-of-way line.
- C. Sign requirements as established in Article III, Section 3.360, shall be met.

3.170. GROUP ASSEMBLY (LARGE)(ARENAS, CAMPGROUNDS)

- 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 areas thus reducing the impact upon the surrounding area;
- B. The traffic generated by such facility shall be shown to be safely accommodated along major streets without traversing local minor streets;
- C. The off-street parking requirements shall be as provisioned in Article II, Section 2.200;
- D. The site plan for such facilities shall be approved by the Planning Commission taking into account the conditions herein 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 including 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 setbacks 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 the building entrance of the principal use at the time of approval;
 4. Access to such facility shall be by paved road and such road shall be listed as either an arterial or collector street as defined by the Bedford County Major Thoroughfare Map. Traffic shall not be directed through residential subdivisions or on minor residential streets;
 5. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats or as provided in Article II, Section 2.200 of this Resolution. 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 and that safe (off-street) pedestrian ingress/egress from/to the facilities from the said adjacent parcel is provided;
 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; and
 8. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- F. When an application for a Group Assembly Permit includes a private campground or travel trailer (recreational vehicle) park, the following standards shall be met in addition to the above standards:
1. Such campground or park shall have on-site management;
 2. The campground or park may include convenience commercial establishments such as camp stores, laundry facilities, and

personal services; provided that such convenience establishments are subordinate to the recreational character of the campground or park; are located, designed and intended to serve exclusively the patrons staying in the campground or park; and such establishment and their parking areas shall not occupy more than ten (10) percent of the area of the parking or one (1) acre whichever is smaller;

3. Such campground or park shall meet the following standards:

- a) Minimum size – ten (10) acres;
- b) Maximum density – ten (10) campsites or recreational vehicle spaces per gross acre;
- c) Sanitary facilities, including flush toilets and showers – within three hundred (300) feet walking distance of each campsite or recreational vehicle space;
- d) Dump station for travel trailers (recreational vehicle);
- e) Potable water supply – one (1) spigot for each four (4) campsites or recreational vehicle space;
- f) Trash receptacle – one (1) for each two (2) campsites or recreational vehicle space;
- g) Parking – One (1) parking space per campsite or recreational vehicle space;
- h) Picnic table – One (1) table per campsite or recreational vehicle space;
- i) Fireplace or grill – One (1) per campsite or recreational vehicle space; and
- j) Administration or safety building – open at all times wherein a portable fire extinguisher, inspected and in operable condition, an appropriately stocked first-aid kit is available, and a working telephone is available for public use.

4. Such Campground or recreational vehicle park shall meet the following design requirements:
 - a) Vegetation screen or ornamental fence which will substantially screen the campsites or recreational vehicle park from view of the public right-of-way and neighboring properties, as provisioned in Article II, Section 2.090, shall be provided around or near the perimeter or that part of the campground or recreational vehicle park containing campsites. Such vegetation or fence shall be maintained in good condition at all times;
 - b) Each campground or recreational vehicle park shall reserve at least twenty-five (25) percent of its total areas as natural open space excluding perimeter screening. Such open space may include recreation and water feature areas, but may not include utility areas, detention ponds, administration building, commercial areas, or similar activities;
 - c) Each campsite or recreation vehicle space shall have a minimum setback of fifty (50') feet from any public road or right-of-way;
 - d) Each separate campsite or recreational vehicle space shall contain a minimum of three thousand two hundred (3,200) square feet. A campsite or recreational vehicle space shall be considered to consist of a trailer or tent space, parking area, picnic table, fireplace, and one-half (1/2) the roadway providing access;
 - e) Each campsite or recreational vehicle space shall be directly accessible by an interior road;
 - f) All interior roads shall be a minimum of ten (10') feet wide for one (1) -way traffic and eighteen (18') feet wide for two (2) -way traffic;
 - g) All interior roads shall meet the following curve requirements:

- 1) Minimum radius for a 90 degree turn – 40 feet;
 - 2) Minimum radius for a 60 degree turn – 50 feet; and
 - 3) Minimum radius for a 45 degree turn – 68 feet.
- h) No camping vehicle, camping equipment or recreational vehicle shall be used for human habitation for a period exceeding thirty (30) consecutive days.

3.180. GROUP ASSEMBLY & LIGHT ENTERTAINMENT (SMALL)

Small meeting and reception facilities allowed in residential areas; the following requirements shall apply:

- A. No such facility shall be permitted on a zone lot, unless it contains sixty thousand (60,000) square feet;
- B. The location, size and design of such facility shall be situated so that it will be compatible with the development within the surrounding area, thus reducing the impact upon such area;
- C. Each facility shall maintain a twenty (20) foot buffer strip between any adjoining residential area;
- D. Any site lighting shall be indirect that will not illuminate the surrounding properties;
- E. Any proposed sign shall be limited to a monument sign not more than five (5) feet in height and sixteen (16) square feet in total surface area;
- F. All off-street parking requirements provisioned in Article II, Section 2.200 shall apply;
- G. Any such facility may be considered an appropriate accessory use and structure to an existing residence so long as the existing residence serves as the principal living quarters for persons regularly employed to provide

catering and management services to the facility. The facility may be located in a separate building.

3.190. GROUP CARE FACILITIES (ALL OTHER)

- A. No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre;
- B. All bulk regulations of the district shall be met;
- C. The requirements of the accessory off-street parking regulations of this Resolution shall apply as provided in Article II, Section 2,200;
- D. All regulations of the State of Tennessee with regard to the type of business proposed shall be met;
- E. All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such facility first be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors;
- F. 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 vehicle to enter or exit the zone lot; and
- G. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.

3.200. HEALTH CARE FACILITIES

A. Minimum Lot Area

1. No health clinic shall be permitted on a zone lot unless it contains twice the lot area requirements of the district in which it lies;
2. No hospitals, or center for observation or rehabilitation shall be permitted on a zone lot unless it contains a minimum of five (5) acres;

B. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be one hundred fifty (150') feet for one (1) or two (2) story buildings, increased by one hundred (100') feet for each story above two (2);

C. All other regulations of the district shall apply;

D. There shall be provided along the entire site boundaries, fencing, screening, and landscaping as provisioned in Article II, Section 2.090 to protect the surrounding residential area;

E. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area;

F. The off-street parking requirements of Article II, Section 2.200 of this Resolution shall apply;

G. All public utilities and sewage disposal shall be available and connected to the site; and

H. The site and/or architectural plans shall first be approved by the Planning Commission taking into account the above conditions prior to the submission of plans to the Board of Zoning Appeals.

3.210. HOMELESS SHELTERS

- A. All public utilities, such as public water and sanitary sewer, shall be available and connected to the site. Septic tanks may be used on sites with an approved occupancy rate of twelve (12) residents or less;
- B. Sites must contain a minimum of two (2) acres;
- C. The fire inspector shall approve the site for safety before an occupancy permit is issued;
- D. All State of Tennessee and Bedford County regulations and codes shall be met before an occupancy permit is issued;
- E. A landscaping plan shall be submitted with the site plan showing a minimum of ten (10) percent of the site with improved landscaping. Lawns shall not be included within this definition as landscaping. All other landscaping, not specifically addressed herein shall be planned as provisioned in Article II, Section 2.090;
- F. Special passenger loading, unloading and parking facilities, as specifically provisioned in Article II, Sections 2.200, shall be on-site and shown on the site plan. Proper traffic flow for safety is required. No backing up shall be allowed onto public roadways;
- G. See definition for “Homeless Shelters”;
- H. All shelters must be kept clean and in good repair; and
- I. A permit is required from the Building Official after the special exception from the Board of Zoning Appeals has been issued.

3.220. LANDFILL OR HAZARDOUS WASTE FACILITY (DISPOSAL, TREATMENT)

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

- A. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located within six (6) miles upstream of, or adjacent to, an existing public water supply source.
- B. The Bedford County Highway Department must certify that existing access roads to a proposed landfill, "or hazardous waste facility (disposal, treatment, storage)", site are capable of supporting the size and volume of traffic generated by the operation of the landfill and will have no adverse impact on the traveling public using these access roads.
- C. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located on property where sinkholes, caves, or caverns exist on, or near the proposed landfill site.
- D. No sanitary landfill, "or hazardous waste facility (disposal treatment, storage)", shall be located on property where a spring or springs emanate from under the proposed landfill site.
- E. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located on property with limestone, bedrock and fissures, cracks, and openings in the ground.
- F. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in the proximity of either natural gas transmission pipelines or hazardous chemical pipelines.
- G. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in an area where the General Land Use Plan of the Bedford County Regional Planning Commission provides for:
 - 1. Residential development, or
 - 2. Development for future traffic needs.
- H. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in the drainage shed or water shed of a known

tributary of a stream of water which supplies water to any water authority or water district.

3.230. INTENTIONALLY LEFT BLANK

3.240. MANUFACTURING ACTIVITIES (EXTENSIVE)

A special exception shall not be granted unless the standards below are hereby met:

- A. No such facility shall be located on a lot unless such lot contains at least one (1) acre.
- B. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare or within a platted industrial park with residential streets unaffected.
- C. Parking – As regulated in Article II, Section 2.200.
- D. Landscaping & Buffering – As regulated in Article II, Section 2.090.
- E. Lighting – As regulated in Article II, Section 2.150.
- F. State permits from air pollution standards, ground water and emissions must be obtained and kept-up-to-date.
- G. The site plan shall be first approved by the Planning Commission, taking into account factors related to the use and operation of the facility.

3.250. MANUFACTURING ACTIVITIES (INTERMEDIATE)

A special exception shall not be granted unless the standards below are hereby met:

- 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 roads classified on the Bedford County Major Thoroughfare Map as either major arterials or collectors without traversing local minor streets.
- C. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- D. Signage will be installed in accordance with the provisions in Article III, Section 3.360.
- E. The off-street parking requirements shall be observed according to the provisions in Article II, Section 2.200.
- F. The site plan for such facilities shall be approved by the Planning Commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.
- G. The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.
- H. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.

3.260. MANUFACTURED HOMES (INDIVIDUAL)

- A. All manufactured homes must be permitted before they are moved on site. If a manufactured home is moved on site before it is permitted, the fee may be doubled as a penalty.
- B. All manufactured homes will require skirting. Skirting shall be of material suitable for exterior exposure and contact with the ground. Skirting shall be installed in accordance with the skirting manufacturer's installation instructions. Skirting shall be adequately secured to assure stability, to minimize vibration and susceptibility to wind damage, and to compensate for possible frost heave.
- C. All manufactured homes needing repairs must have all repairs completed within thirty (30) working days of the date the home is permitted. If repairs are not completed, all permits issued by Bedford County Planning, Zoning and Codes will become void.
- D. All manufactured homes must meet all applicable building, electrical, plumbing, fire, mechanical, fuel-gas, etc., codes within sixty (60) days of the date of issuance of permit. If all codes are not met, all permits issued by Bedford County Planning & Zoning will become void.
- E. If a manufactured home does not have a certification label, the interior of the home must be inspected by Bedford County Planning, Zoning & Codes Department in conjunction with the exterior inspection. The interior of the home will have to meet all applicable codes such as, but not limited to smoke detectors and ingress-egress requirements.
 - 1. If, in a case where the building official determines that the structural integrity of the building may be in a serious state of decline, the inspector may examine concealed structural elements of the building which could require minor deconstruction. The full responsibility of any damages associated with a safety inspection will be borne by the homeowner.
 - 2. Certification label must be a permanent label affixed to each transportable section of each manufactured home for sale or lease. This label shall be separate and distinct from the data plate which the manufacturer is required to provide.
 - 3. The label shall be approximately two (2) inches by four (4) inches in size and shall be permanently attached to the manufactured

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

4. The label shall read as follows:

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

5. The label shall be located at the tail-light end of each transportable section of the manufactured home approximately one (1) foot up from the floor and one (1') foot in from the roadside, or as near that location on a permanent part of the exterior of the manufactured home unit as practicable. The roadside is the right side of the manufactured home when one views the manufactured home from the two-bar end of the manufactured home.
6. The Codes official may not issue a building permit for any manufactured home constructed and labeled prior to the year 1996 – having its smoke detectors wired together and backed up by battery. The owner may elect to hire a licensed electrician to install new smoke detectors installed to the current International Electrical Code and have it inspected by the state electrical inspector in order to obtain a building permit.

3.270. MICRO AND CRAFT DISTILLERY

- A. Prior to the commencement of a micro distillery or craft distillery operation the owner shall obtain all applicable licenses and approvals from the Tennessee Alcoholic Beverage Commission, the Tennessee Department of Agriculture, the Tennessee Department of Environment and Conservation, the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (Tax) and any other licenses or permits required by local, State, and Federal rules, regulations and statutes;
- B. Any representative of a manufacturer must have a Distiller's Representative permit before soliciting orders from any wholesaler;
- C. A licensed micro distillery or craft distillery can serve free samples of the product to anyone twenty-one (21) years of age or older, with provided proof of age, as part of a public tour of the manufacturer's or distiller's premises. The location where samples are given must be disclosed to the Tennessee Alcoholic Beverage Commission;
- D. The area of a craft or micro distillery site, which may include a single parcel or multiple contiguous parcels, shall be a minimum of twenty (20) acres with a maximum of no more than three hundred (300) acres;
- E. A minimum of forty (40) percent of the craft or micro distillery site shall be maintained as open space or space used agriculturally. A landscaping plan must be submitted in conformance with the provisions in Article II, Section 2.090;
- F. The craft or micro distillery shall not produce more than three hundred fifty thousand (350,000) U.S. gallons of spirits per calendar year. Copies of all reports of production activities filed with the U.S. Department of the Treasury and all other similar reports required to be submitted to State and Federal agencies, shall be provided to the County on an annual basis and at the same time of submittal to State agencies;
- G. Permanent restroom facilities must be provided for employees and non-employees who visit the site during operating hours as well as the maximum attendance of any individual event as permitted herein. Portable toilets may be utilized to satisfy this requirement of permanent restroom facilities; however, the permanent restroom facilities may be supplemented with portable toilets in conjunction with Special Events as permitted in this Resolution;

- H. The total floor space of all buildings used for processing, bottling, tasting, sales, storage of the finished product and office space shall not exceed one hundred twenty-five thousand (125,000) square feet with a maximum of three (3) stories in building height (except actual still);
- I. A maximum of ten thousand (10,000) barrels (\leq to 800,000 gallons with each barrel containing +/- 80 gallons each) of the finished product may be stored on the property;
- J. Building setbacks shall be as follows:
 - 1. All buildings used for processing, distilling, bottling, tasting and sales shall be located a minimum of three hundred fifty (350') feet from adjoining property lines;
 - 2. All buildings utilized for storage of the finished products and/or by-products of the manufacturing process shall be located a minimum of three hundred fifty (350') feet from the adjoining property lines and shall be located behind the rear building lines of the buildings utilized for processing, bottling, tasting and sales;
 - 3. The minimum distance between buildings without firewall separation shall be fifty (50') feet of open space.
- K. Parking areas shall be set back a minimum of one hundred fifty (150') feet from the perimeter of the craft or micro distillery area. See Article II, Sections 2.200 of this Resolution for off-street parking, loading and unloading;
- L. The property or building thereon, shall not be made available for public use/touring until such time as the craft or micro distillery is producing spirits or has obtained a certificate of occupancy or temporary certificate of occupancy;
- M. All activities associated with production, bottling, storage, and sales shall be conducted entirely within an enclosed structure. No outdoor storage of any kind, including but not limited to, raw materials, by-products, equipment, and inventory shall be permitted; provided however, all raw materials or by-products may be stored in enclosed silos or other appropriate structures. Under no circumstances shall raw materials be stored on the ground. The facility shall be maintained in a neat and clean

condition and operated so as to not create a nuisance. Conditions within the site shall be controlled to minimize noise and odor;

- N. The proposed location has its principal access to a road that is improved to allow for a minimum surfaced width of twenty (20') feet until connected with a minor collector road or greater on the latest approved Bedford County Major Thoroughfare Plan;
- O. Current road surface shall not be less than a tar and chip surface unless specifically approved by the Director;
- P. The following accessory uses, and activities are permitted in conjunction with a craft or micro distillery:
 - 1. Where otherwise permitted by State or Federal law and regulation, the tasting and sales of spirits and other distillery-related products shall be permitted, provided that these uses are clearly subordinate to the production of the beverage. The aggregate floor area for such consumption, tasting and sale shall not exceed twenty thousand (20,000) square feet.
 - 2. Daily tours shall only be permitted between 9:00 a.m. and 8:00 p.m. Deliveries and/or shipments to and from the site shall only be permitted between the hours of 7:00 a.m. and 8:00 p.m.
 - 3. Events, for which attendance is limited to three thousand five hundred (3,500) people and allowed only by invitation, reservation or pre-sold admission tickets, are permitted on site up to twelve (12) times per calendar year, if the facility has constructed accessory facilities designed and approved for public assembly as defined by the International Building Code (IBC) or updated existing grandfathered non-conforming structures to meet the IBC code requirements. These may include spirit appreciation/education seminars, non-profit benefits, special musical or cultural events, agriculturally related events and other similar events conducted for the principal purpose of marketing the brand or its spirits. Events for which attendance is limited to less than five hundred (500) people, using the same metrics as above, shall be permitted to use the facility up to twenty-four (24) times per year.
 - 4. A craft or micro distillery is permitted to include a full kitchen for purposes of providing food to visitors and for events held on the

premises of the craft or micro distillery. Such kitchen operation shall be clearly subordinate to the craft or micro distillery use and may operate as a restaurant or other retail/commercial food establishment as a subordinate use with no limits on opening and closing times.

Applicants requesting a Special Exception/Conditional Use Permit for one of the above specifically listed uses shall submit a written request and plans of the property and building, along with any items specifically mentioned above, to the Bedford County Board of Zoning Appeals. The plans shall include enough detail and specificity to objectively certify that the requirements listed above will be met.

If the plans and written request are insufficient to meet that requirement, the Board may deny the request for a lack of compliance with that provision. **If the Special Exception/Conditional Use Permit request is approved**, the owner shall submit, prior to building permit application, a copy of recorded restrictive covenants including all the above listed requirements and any additional requirements that may be stipulated by the Board of Zoning Appeals.

3.280. MINING AND QUARRYING ACTIVITIES

- A. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated;
- B. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application, which shall provide for the following:
 - 1. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) feet intervals;
 - 2. Location of the area in which the proposed quarrying activity is to be conducted;
 - 3. Location of all proposed buildings, structures, improvements, crusher and screening equipment, roadways and other facilities on the site;

4. Proposed method of drainage of the quarry site – both natural runoff and occasional drainage of quarry pit(s);
 5. Methods proposed for blasting. Open blasting commonly referred to as “pop shots” shall be prohibited;
 6. Methods proposed for fencing, security, and safety for the operation and to protect potential trespassers or people who may wander onto the site. Fencing as regulated in Article II, Section 2.170.
 7. Methods proposed for noise abatement, vibration, and the control of other particulate matter; and
 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 consist of non-toxic, non-flammable, and non-combustible solids. All areas that are back filled shall be left so that adequate drainage is provided.
- C. Approval for mining and quarrying activity may also include accessory concrete batching plant, 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 proposed quarry facility to execute a bond or letter of credit in an amount determined by a licensed Tennessee civil-engineering firm plus twenty (20) percent, accepted or amended by the Planning Commission, per acre of active quarry throughout a five (5) year period, to restore the lands in the manner prescribed herein, including the removal of all structures and machinery;

- E. Any permit issued hereunder shall not be for a period exceeding five (5) years; After the expiration date of such **special exception 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 is first approved by the Planning Commission taking into account the above conditions as well as other factors related to the use and operation of such facilities.

3.290. MINI-STORAGE WAREHOUSES

A zoning permit nor a special exception shall not be granted unless the below standards are hereby met:

- A. A professional site plan (**see Article II, Section 2.080**) shall be submitted to the planning director a minimum of two (2) working weeks prior to the next available BZA meeting.
 - 1. The front setback shall be twice the normal setback for the zone (overlay) in which the property lays.
 - 2. The rear setback shall be a minimum of sixty (60) feet.
 - 3. The side setbacks shall be a minimum of forty (40) feet.
 - 4. **Bulk:** Buildings and structures shall not be permitted to cover more than sixty (60) percent of the land area within the lot-of-record.
- B. Commercial or industrial storage shall be limited to less than fifty (50) percent of the total square footage of the facility.
- C. No hazardous materials shall be allowed in any storage units.
- D. Recreational vehicles, boats, and all operational vehicles may be stored outside in designated and separately buffered/screened areas to the rear of the property only – no stored vehicles of any type shall be permitted to be stored in the front of the property. All other storage must be within enclosed structures.

- E. All lights shall be shielded to direct the light onto the established uses and away from all adjacent properties.
- F. Signage in accordance with the provisions in Article III, Section 3.360.
- G. No sales, garage sales or miscellaneous services or business activities other than the management activities of the storage business shall be conducted on the premises except the occasional auction of units for unpaid rent by a licensed auctioneer hired by the owner of the storage business. The servicing or repair of motor vehicles, boats, lawn mowers and other similar equipment shall not be conducted on the premises.
- H. Parking - The off-street parking requirements enumerated in Article II, Section 2.200 shall apply.
- I. Landscaping & Buffering – As regulated in Article II, Section 2.090.
- J. Lighting – As regulated in Article II, Section 2.150.
- K. Fencing – As regulated in Article II, Section 2.170.

3.300. **MOBILE HOME PARKS**

A. **Definitions:**

1. **Mobile Home** – A vehicular, portable structure built on a transportable chassis, manufactured after the year 1996 A.D., which remains intact, designed for year-round occupancy and designed to have no permanent foundation other than wheels, jacks, or skirting, and which is capable of being moved, towed, or transported by another vehicle; **or**, manufactured prior to the year 1996, after having a licensed electrician install wired smoke detectors backed up by a battery.
2. **Mobile Home Park** – Any area, tract, site, or plot of land whereupon mobile homes are placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

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

B. **Mobile Home Park Site Plan Requirements**

The following information, which shall be submitted at least fifteen (15) calendar days prior to the official Regional Planning Commission meeting wherein such information is to be considered, shall be shown on the required site plan (**see Article II, section 2.080**):

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.
4. The location and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and the internal street circulation pattern.
6. The location of all off-street parking facilities.

7. The location of park and recreation areas.
8. The location of buffer strip(s).
9. The name and address of the applicant.
10. A comprehensive drainage plan.
11. Such other architectural, engineering, and topographic data, as may be required to permit the local health officer and the Planning Commission to determine if the provisions of these regulations are being complied with, shall be submitted with the site plan.
12. The location and size of all servicing utilities, i.e., water lines, fire hydrants, sewer lines, drain field areas, gas lines, electric lines, etc. Official approvals of all services utilities shall be submitted with the site plan.
13. 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.
14. A detailed traffic impact study (see Art. II, Sec. 2.300).

C. Required Development Standards

1. No parcel of land containing less than five (5) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
2. The mobile home park shall be located on a well-drained site, properly graded to ensure rapid drainage and to avoid the possibility of stagnant pools of water.
3. No mobile home shall be used for storage or as an accessory building.

D. Dimensional Requirements for Parks

1. Each mobile home park shall have a front yard of fifty (50) 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 thirty (30) 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 fifty (50) feet.
4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of a park and may be lighted by indirect lighting only.

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 twenty (20) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
4. There shall be at least two (2), off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served and may be located in the rear or side yard of said mobile home space.
5. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet.

6. 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.
7. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be three thousand-six hundred (3,600) square feet. For double wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet. In areas without public wastewater service, the minimum lot area shall be seven thousand five hundred (7,500) square feet for single wide mobile homes and ten thousand (10,000) square feet for a double wide mobile home, unless a higher density is approved by the Bedford County Health Department and the Board of Zoning Appeals after appropriate soil tests have been completed and analyzed as to the capability of the soil to accommodate a septic tank and drain field. No mobile home park shall be permitted unless such park is served by a public water supply.

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 Bedford County Subdivision Regulations, and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
2. All mobile home spaces within the park shall abut an access road.
3. Each mobile home space shall be provided with a connection to public water supply and the public sanitary sewer line or to an autonomous sewer system approved by the Bedford County Health Department.
4. All mobile home parks shall be serviced with public or package sanitary sewerage and public water on available trunk lines, and the proposed water system shall be approved by the Tennessee

Department of Environment and Conversation (TDEC) as well as by the Superintendent of the regulating utility district. Septic sewerage disposal shall be permitted only on mobile home lots having sufficient area to meet the requirement of the Bedford County Health Department.

5. Mobile homes, with or without toilet facilities, which cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
6. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
7. 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.
8. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.
9. Specifications of private roads in mobile home park developments shall be the same as the roadway specifications contained in the Bedford County Subdivision Regulations to which reference is hereby made and incorporated herein.
10. Any central refuse disposal area shall be maintained in such manner as to meet County Health Department requirements and shall be screened from public view.
11. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.
12. A planted buffer strip equal to the standards as described in Article II, Section 2.090, Figure 2.091B, shall be established along the outer boundaries or periphery of the mobile home park.
13. Outside antennas (T.V., Radio, Communications, etc.) shall not be installed in close proximity to overhead power lines. A safety clearance zone shall be maintained equivalent to overall installed height of the antenna/mast plus ten (10') feet, as measured from antenna mast base horizontally or diagonally from said overhead power lines.

G. Application for Mobile Home Park Development

An application for a permit to develop and construct a mobile home park shall be filed in accordance with Article VIII, Section 8.080, of this resolution, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner.

1. The written application, plans, schedules, and other data herein required, and a statement of approval of the proposed sewage disposal system from the Bedford County Health Department will be submitted to the Bedford County Planning Director, and the Planning Commission at least fifteen (15) calendar days prior to the official planning commission meeting wherein such information is to be considered. The county Planning Commission shall duly review these materials and shall co-ordinate the review with the appropriate utility districts.
2. The Bedford County Planning Director shall, after review, recommend approval or disapproval of the proposed mobile home park to the Planning Commission, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may later be granted.
3. SEE ARTICLE III, SECTION 3.310

3.310. MULTI-FAMILY DWELLINGS & MOBILE HOME PARKS

In addition to the standards contained elsewhere in this Resolution for the type developments listed hereafter in this subsection, the Board of Zoning Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making this finding, the Board shall consider the effect upon traffic congestion, traffic safety and movement on and off the site, overcrowding of schools, availability of necessary public utilities, character of adjoining structures and uses, and suitability of the site for the proposed use and such other factors as the Board may deem necessary.

3.320. PERSONAL STRUCTURES FOR USE BY PROPERTY OWNER

The following development standards will be adhered to in the construction of personal structures for use by a property owner:

- A. This type of structure shall be allowed without a principal structure and on any vacant lot within the district. If the parcel of land contains greater than fifteen acres, there will be no requirement for a special exception.
- B. These structures include sheds, roofed storage areas, enclosed storage areas, agriculturally oriented barns, or tractor sheds, prefabricated mini-barns, well houses, or other similar uses of a permanent nature.
- C. The plan for the site must show the future location of the principal permitted use and the septic field areas if the lot is less than five (5) acres. The personal structure should be located to the rear of the future principle permitted use.
- D. The personal structure may not be used as a permanent residential dwelling.
- E. The personal structure may not be used for a commercial activity.
- F. All setbacks that pertain to a principal structure must be met.

- G. All structures must be kept clean and in good repair.
- H. Agricultural structures are exempt from zoning and are not intended to be made part of this section.
- I. A building and zoning/development permit is required from the Building Codes Department after the special exception from the Board of Zoning Appeals has been approved.

3.330. PUD AND CLUSTER RESIDENTIAL DEVELOPMENT

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

How it works: Instead of the conventional subdivision procedure which results in 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 lot sizes if the land thus saved is put into permanent open space.

- B. Procedure for Approval

1. Initial Sketch and Consultation (Plot Plan)

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

- a) Boundaries and acreage of total site;
- b) Number and building types of dwelling units;

- c) Arrangement of streets, structures, and lots;
- d) Access to existing streets;
- e) Local open space tracts and prospective uses;
- f) Any planned common-use activity areas, such as swimming pools, tennis courts, playgrounds, etc., or special areas deemed worthy of conservation per se;
- g) Location and size of water and sewer lines;
- h) Any convenience service area; and
- i) Traffic Impact Study (see Art. II, Sec. 2.300).

2. Plat Approval Procedure

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

C. Development Requirements

1. This section shall only apply to residential structures located within the R-1 zoning district, excluding mobile homes.
2. Minimum number of dwelling units per cluster development: 40.
3. Maximum Density
The average number of dwelling units per acre of building land (excluding land for street right-of-way and any planned structural amenities) shall not exceed respective district density limits in the zoning district. Maximum building area shall consist of 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.
4. Minimum Lot Size, Width or Yard Requirements

None.

5. Structural Location Requirements

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

- a) **Arterial Street** **60 ft.**
- b) **Collector Street** **35 ft.**
- c) **Minor Street** **20 ft.**
- d) **Minimum spacing between structures** **20 ft.**

6. Utilities

The development shall be serviced with public or package sanitary sewerage and shall also be serviced by public water, as per the regulations of the utility district representing or serving the proposed development, on trunk lines not less than eight (8) inches and six (6) inches, respectively, and shall include fire hydrants for adequate protection.

7. Local Open Space

a) Minimum Local Open Space Requirement

Plats proposed for approval under the provisions of this section shall include local open space tracts of size, location, shape and topography which will meet the intent of this section per the Bedford County Subdivision Regulations. The minimum amount of local open space to be allocated shall not be less than the aggregate by which building lots are reduced from regular minimum lot size requirements.

b) Permitted Local Open Space Uses

Only the following land uses shall be set aside as common land for local open space or recreational uses. Private recreational facilities, such as golf courses, tennis courts, swimming pools, club houses, surfaced walking trails, equine stables with pasture, private aircraft landing strips

with community hangers, and such other amenities that are limited to the use of the owners or occupants of the lots located within the subdivision. Historic building sites or historical sites; parks and parkway areas; extensive areas with tree cover; low land along streams or areas of rough terrain, when such areas are extensive and have natural features worthy of scenic preservation, according to the Regional Planning Commission.

D. Legal Requirements for Operation and Maintenance

Local open space must be deeded to a duly incorporated Homeowner's Association (HOA) approved by the Regional Planning Commission. Restrictive deed covenants shall be made to assure perpetual use of the tracts for local open space purposes, including common use of any planned structural amenities by lot owners within the development. When such tracts are to be deeded to a Homeowner's Association, the developer shall provide:

1. The legal framework for a Homeowner's Association consisting of articles of incorporation and by-laws which guarantee as a minimum:
 - a) That the Homeowner's Association will be responsible for liability insurance, local taxes, maintenance of recreational and other facilities pertaining to the local open space.
 - b) That when more than fifty (50) percent of the lots within the subdivision area sold, there shall be a special meeting of the homeowner's association within sixty (60) days.
2. Deeds to individual lots within the subdivision shall convey mandatory membership in the Homeowner's Association, and include, as a minimum, the following homeowner's association agreements:
 - a) A pro-rata share of the cost of the Homeowners' Association operation shall rest with the homeowners.
 - b) Permanent unrestricted rights to utilize land and facilities owned by the association shall rest with the homeowners.

- c) Assessments levied by the association can become a lien on personal property, if not paid, and
- d) The association by-laws shall grant authority to its board to adjust assessments to meet changing needs.

3.340. PRIVATE AIRSTRIPS

There are various important factors to consider in the development of private airstrips. The following criteria shall be considered by the Board of Zoning Appeals in the approval of any private airstrip:

A. Compatible Land Uses

Compatible adjoining and nearby land uses shall be requisite to any approval for a private airstrip. The overall compatibility shall be compared with the proposed detailed site plan to ensure that nearby land uses are compatible with the actual proposed use/plan; not just with a typical private airstrip.

B. Planning

A detailed site plan, in conformance to the specifications listed in Article II, Section 2.080, prepared by a registered Tennessee architect, Licensed Tennessee engineering firm, or licensed surveyor, is a prerequisite to application submission. Federal Aviation Regulation (FAR) part 157 states that anyone proposing to build a personal or private use airport (used solely for VFR (Visual Flight Rules) conditions, located more than twenty (20) nautical miles from an airport for which an instrument approach procedure (IFR) is authorized and located more than five (5) nautical miles from any airport open to the public. The applicant must submit FAA form 7480-1 at least thirty (30) days before work is to begin. All private strips shall be required to be noted on the FAA sectional chart with a notation as to the nature of the strip as well as the prevailing wind patterns important to safe operation of aircraft in the vicinity.

C. Noise

A detailed noise mitigation plan shall be submitted with the site-plan along with proposed buffering and landscaping schemes intended to buffer the noises generated by the proposed us.

D. Elevations and Grading

The site plan shall indicate minor grading and elevation corrections to the natural topography of the proposed site. Any proposed private airstrip shall not significantly alter the existing landscape. There shall be a maximum two (2%) percent grade sloping from the center of the airstrip for a distance of forty (40) feet in order to drain properly. There shall be a crown in the center of the airstrip that is six inches higher in elevation than the two (2) border elevations to keep the airstrip properly drained. The airstrip boundaries shall be well-marked and defined as to be visible from the air.

E. Public/Private Use

All private airstrips shall be for private use only and shall not be considered primary airstrips nor public use airports as defined by the Federal Aviation Administration (FAA) or Tennessee Aviation Standards. Private airstrips shall be principally designed and intended to serve light aircraft of a maximum gross takeoff weight of twelve thousand five hundred (12,500) pounds or less. No rental of hanger space to customers nor fees of any kind may be charged persons using the private airstrip.

F. Runways

Runways for private airstrips shall not have paved or concrete surfaces and shall only be of a natural grass/sod surface. The direction of prevailing winds and seasonal crosswinds shall be a consideration and noted on the site plans.

1. Runway Protection Zones – The site plan shall enumerate certain runway protection zones (RPZ's) to protect the take-off and approach areas of the landing strip. Safe, barrier free approaches shall be required. The plan shall include requisite acreage owned and controlled by the airstrip owner that protects these zones from obstacles or incompatible land uses that may endanger pilots, pedestrians, or property owners.
2. Structures – Tie downs or hangar structures shall be located a minimum of two hundred fifty (250) feet away from any portion of the airstrip. Only two (2) hangar structures for the storage of no more than six (6) aircraft are permitted.

3. Soils – Soil suitability shall be of major concern. The site plan shall adequately address the issue of soil (existing or to be acquired) and its suitability for a landing strip. Soils with a high clay content shall not be permitted to be used for the surface area. Soil should be well drained with stabilized topsoil for the surface.
4. Turf – Grasses used for airstrip turf should have deep, matted root system that produces a dense, smooth surface cover with a minimum of top growth. Grasses that are long-lived, durable, strong creepers and recover quickly from dormancy or abuse should be selected in preference to the quick growing but short lived, shallow-rooted, weak sod species.
5. Windsocks/Wind Cones - A wind cone or tetrahedron shall be installed with a large circular area surrounding it as to be clearly seen from the air.
6. Dimensions – The following dimensional requirements must be met for private airstrips:
 - a) Width - The airstrip itself shall be a minimum of seventy-five (75) feet in width. If situated in wide-open grassy areas, the airstrip shall have a stabilized grassy RPZ that borders the sides of the airstrip a minimum of one hundred (100) feet in width on both sides of the airstrip. If in wooded locations, the RPZ on both sides of the airstrip shall be a minimum of two hundred (200) feet in width.
 - b) Length – *The formula for calculating the minimum runway length is as follows:*
 Using the Aircraft Manual(s) (ACM) for the aircraft owned and intended to utilize the proposed runway, determine which of the aircraft requires the longest maximum runway length at its maximum weight, load, and with the most resistant of runway and weather conditions. This aircraft will be identified as the owner's *critical aircraft*.
 Using the maximum runway length for the *critical aircraft* (e.g., multiplicand) with a multiplier of 1.8; calculate the product. The minimum allowed airstrip length shall be the product of said multiplication or one-thousand five hundred (1,500) feet, whichever is greater. In no instance shall any runway length be less than one-thousand five hundred (1,500) feet in length. There shall be a designated RPZ at the

approach end of the airstrip no less than one thousand (1,000) feet in length. The opposite end of the airstrip shall have a designated RPZ of a minimum length of one thousand (1000) feet.

7. Lighting and Boundary Markers

Low mass cones, frangible reflectors, and Low Intensity Runway Lights (LIRL) may all be used to mark the landing strip boundary. Tires, barrels, and other high mass non-frangible items shall not be used for this purpose. The maximum distance between such objects should not be more than two hundred (200) feet. Boundary markers shall be located outside of the Runway Surface Area (RSA).

8. Aircraft Rescue and Fire Fighting (ARFF) Access

Access roads shall be constructed to provide unimpeded two-way access for rescue and fire-fighting equipment to the potential accident areas. Obvious signage for the purpose of directing first responders toward the runway and hangar area shall be required. Connecting these roads/drives, to the extent possible, with the operational surfaces of public roadways shall be required.

9. Fuel Storage

In the event a fuel storage facility is planned to be installed, construction of an approved fuel storage pad with accidental spillage area shall be made part of the site plan. Fuel storage facilities shall be located a minimum of two hundred fifty (250) feet from the Runway Surface Area and a minimum of two hundred fifty (250) feet from any hangar, accessory structure, or tie-down area for the storage of aircraft. On site fuel shall be for personal use only; no commercial sale of fuel to anyone except in a documented emergency.

3.350. SHOPPING CENTERS

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

A. Preliminary Preview

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

1. Property boundaries and adjacent land use.
2. Current zoning on properties.
3. Existing utilities and locations, including fire hydrants.
4. Approximate building orientation.
5. Approximate location of proposed parking areas, loading and unloading facilities, etc.
6. A detailed drainage plan.
7. Other information which the developer feels is pertinent to his proposed development.

B. Site Plan

1. A site plan is then submitted to the planning commission for final approval. The plan shall exhibit the following:
2. A detailed drawing scaled no smaller than 1" = 200' as required in Article II, Section 2.080.
3. Utility easements and connections to utilities, including fire hydrants.
4. Drainage facilities.
5. Parking lots with related drive lanes, separating isles, lighting, points of ingress and egress, etc.
6. A landscaping plan.
7. Other requested information.

C. Other Requirements

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

2. General Provision requirements of Article IV, are to be observed.
3. The Planning Commission can request that architectural plans be submitted for review.
4. Internal drives and parking areas are to be constructed of crushed stone or gravel, six (6) inches in depth compacted, with a two (2) inch wearing surface of asphalt material.
5. The Planning Commission can require other improvements and exhibits in order to protect the public health and safety and to permit them to make appropriate decisions regarding the proposed development.

3.360 SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to ensure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below.

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

1. No sign shall be erected or maintained whereby reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device, or emergency vehicle.
2. No illuminated sign shall be permitted within fifty (50') feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
3. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed fifty (50') feet in length.

4. Signs may be erected or placed up to the property line, but no part of the sign structure may project or overhang past said property line. However, no billboard shall be erected or placed closer than, within one hundred (100') feet of any A-1, R-1, or R-2 District.
5. On the premises, outdoor advertising signs, including flashing or intermittent illumination, shall not intrude upon the public right-of-way.
6. Signs erected and overhanging any sidewalk must be placed at least nine (9') feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds ($2/3$) the width of the sidewalk, but in no case exceeding ten (10') feet.
7. Professional signs for home occupations shall not exceed twelve (12) square feet in area, in A-1 Districts, and six (6) square feet in area for R-1 and R-2 Districts.
8. Temporary signs and posters are subject to the following regulations:
 - a) Each sign shall not exceed sixteen (16) square feet in area, excluding banners.
 - b) The signs shall not be located closer together than one hundred (100') feet except "For Sale" and "For Rent" signs.
 - c) Such signs shall not be nailed, stapled, or affixed in any way to any public utility poles and shall not be located in public rights-of-way or utility easements, excluding banners.
9. In **any** district, the following signs shall be permitted:
 - a) For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign, not more than sixteen (16) square feet in area, identifying or designating the conditions of the use of such parking area.
 - b) Non-illuminated "For Sale" or "For Rent" signs not exceeding twelve (12) square feet in area.

- c) One (1) sign not more than twelve (12) square feet in area giving the names of contractors, engineers, or architects, during construction of a building.
- d) Signs established by, or by order of, any governmental agency.
- e) For special events of public interest (not including election signs), one (1) sign not over thirty-two (32) square feet in area.
- f) Flags or emblems of political, civic, philanthropic, educational or religious organizations.
- g) Small non-illuminated signs, not exceeding one and one-half (1-1/2) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, freight entrances and the like.

10. Spacing of Off Premise Signs

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

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

- 1. Name plates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
- 2. Church, school, or public building bulletin boards or identification signs, not exceeding sixty (60) square feet in area permitted. **Exception: No bulletin board or identification signs shall be located on a designated scenic highway or parkway.**
- 3. Flashing or intermittent illumination is prohibited.
- 4. Billboards and other advertising structures are prohibited, except certain directional signs intended to guide the general public to

areas designated as possessing scenic, historical, of recreational value. However, such directional sign shall not exceed sixty-four (64) square feet in area.

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

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

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
2. For multi-family dwelling, identification signs not exceeding nine (9) square feet in area are permitted.
3. Church, school or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.
4. Flashing or intermittent illumination is prohibited.
5. Billboards and other advertising structures are prohibited.

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

1. Nameplates indicating name, address, house number, announcement of boarders or rooms for rent, or customary home occupations are permitted.
2. Church, school, or public building identification signs or bulletin boards, not exceeding sixty (60) square feet in area are permitted.
3. For other permitted uses, one business sign not exceeding one (1) square foot of surface for each two (2) lineal feet of lot fronting on a public street - not to exceed four hundred (400) square feet total. Or, in lieu thereof, a combination of one principle sign – not exceeding one (1) square foot of surface for each two (2) lineal feet of lot fronting a public street - not to exceed three-hundred (300)

square feet total, in conjunction with multiple small banner type signs, the total square footage of which not to exceed one (1) square foot of surface for each ten (10) lineal feet of lot fronting a public street for the additional banners. Such sign(s) shall be mounted on the premises and shall be directly related to the activity conducted on said premises.

4. Billboards and other general advertising structures are prohibited.

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

1. Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics.
2. Business signs shall be permitted subject only to the restrictions in Article II, Section 2.050, of this resolution. All ground signs shall be located not closer to any property line than one half (1/2) the required setbacks.
3. Billboards and other outdoor advertising structures are permitted subject to the general restrictions set forth in Article II, Section 2.050.

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

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.
2. Flashing or intermittent illumination is prohibited.
3. Billboards and other outdoor advertising structures are permitted.

3.370. STATE ROUTE 437 BY-PASS

The State Route 437 By-Pass is a Controlled Access Highway that was specifically engineered, built, and intended for the purpose of providing a reasonably efficient means for Commercial Carriers and other drivers to bypass congested city streets and substandard roads when a driver's destination is somewhere outside of the Shelbyville city center. The strict limitation of traffic control measures and heavy uncontrolled vehicular traffic allows the route to quickly and efficiently move traffic and also reduces the opportunities for injury and death by the strict limitation of merging traffic. The Controlled Access State Route shall not be developed with residential or commercial development that ingresses and egresses the said Controlled Access State Route by way of new roads or new driveway accesses. The vast majority of the existing engineered ingress/egress easements are twenty (20') foot wide agricultural easements, smaller than the required fifty (50') feet minimum of frontage/easements required in Article II, Section 2.030, for legal lots of record. In order to reasonably protect and insure the safety of persons traveling, using and working on and along the State Route 437 By-Pass, the following rules shall apply to parcels and lots of record that abut, or which can be accessed by existing agricultural or other existing ingress/egress easements that connect the said highway with any lot of record;

1. All existing agricultural ingress/egress easements to State Route 437 By-Pass, which easements are **less** than fifty (50') feet in width, may be used for the incidental ingress/egress of landowners to access parcels for agricultural or existing residential purposes.
2. No new 911 addressing shall be granted to parcels which abut the State Route 437 By-Pass for unimproved parcels which have been provided ingress/egress easements **less** than fifty (50') in width. 911 addresses must be addressed to a public road that fronts or is accessed by permanent easement to the existing lot of record.
3. No U.S. Postal Service mailboxes shall be permitted to be erected or placed in a manner which would cause it to be served or serviced by a postal service worker from or along the State Route 437 By-Pass for parcels which have been given ingress/egress easements **less** than fifty (50') feet in width. Mailboxes must be placed along a public road that

provides the required fifty (50') foot of road-frontage or ingress/egress easement to a lot of record.

4. No proposed public or private street or parking lot shall intersect, be accessed, or empty into the State Route 437 By-Pass.
5. Lots of record which have ingress/easements which are **equal to or greater** than fifty (50') feet in width may construct a private driveway to a proposed residential use which utilizes **only** an existing ingress/egress easement and road connection. Proposed commercial uses shall not be permitted to have driveways, connections, parking lots, entrances or exits that intersect with the State Route 437 By-Pass. Lots of record which have equal to or greater than fifty (50') foot ingress/egress easements may be addressed to the highway, however, any mailbox utilized for the purpose of a residential use on the State Route 437 By-Pass must locate said mail box along the driveway, outside of the right-of-way completely in order to keep traffic moving safe and protect the lives of mail carriers, drivers, and pedestrian property owners.

3.380. SUBSURFACE DISPOSAL OF TOXIC MATERIALS

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

3.390. **TEMPORARY USE REGULATIONS**

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

- A. **Carnival or Circus** - May obtain a Temporary Use Permit, in the A-1, C-1, C-2, or M-1 Districts; however, such permit shall be issued for a period of no longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. **Christmas Tree Sales** - May obtain a thirty (30) day Temporary Use Permit for the display and retail sale of Christmas Trees transported to open lots in any District.
- C. **Contractors Temporary Buildings** - In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. **Firework Sales** - A Temporary Use Permit for the sale of fireworks may be issued in an A-1, C-1, C-2, or M-1 zoned district provided the following conditions are met:
 - 1. An application form shall be completed, and all fees paid prior to consideration of the application. Applications for firework sales shall be made to the Zoning Compliance Officer for Bedford County, Tennessee.
 - 2. A zoning fee of an amount set by and from time to time amended by the Board of Commissioners will be required for each sales location. All vendors are to obtain the required permit(s) for the designated

sale tent/structure. Permit(s) issued is/are valid for the for individual sale events only, each not to exceed a thirty (30) day period.

3. Required Application: The following information must be submitted when making an application for a Temporary Use Permit for Fireworks sales:
 - a) A business license must be obtained from the Bedford County Clerk's Office.
 - b) A valid and current State Fire Marshall's permit.
 - c) A tent flame-retardant certification from a listing agency.
 - d) A site plan showing placement of a tent and/or structure on the lot, dimensions to the property lines and separation distances between temporary and existing structures.
 - e) The site plan shall show adequate area for parking.
 - f) Proof of insurance shall be submitted when applying for a permit and the liability shall be a minimum of one million dollars. (\$1,000,000)
4. Following the submittal of the site plan, a Building Inspector shall visit the location to verify that the guidelines are met, and approval must be granted prior to opening. The following shall apply to inspections of all tents/structures that will be used for a Temporary Use Permit of firework sales:
 - a) All tents/structures must be placed as approved on the submitted site plan.
 - b) "No Smoking" signs must be placed at the entrance/exit with letters not less than four inches (4) inches tall.
 - c) The driveway shall be a minimum of twenty-five (25') feet wide to accommodate two-way ingress/egress access to the site. The driveway shall be constructed of at least gravel with a minimum of six (6) inches in depth, within the road (drive) right of way.

- d) Parking within the public right of way of any State or County Road is not allowed.
- e) Applicant must be able to provide a minimum of ten (10) parking spaces on site and each parking space shall be a minimum of nine by eighteen (9' by 18') feet in parking area.
- f) If restroom facilities are not located on site for the employees, then a portable toilet will be required.
- g) Applicant must have a minimum of two (2) 20 BC rated fire extinguishers in each sales area.
- h) All signage shall meet the requirements in Article III, Section 3.360 of the current Bedford County Zoning Resolution.

- E. **Historical Events, Presentation and Historical Related Activities** - In an Agricultural District, a Temporary Use Permit may be issued for historical events, presentations, or historical related activities for not more than six (6) times per year. Such permit shall be in effect for a period not to exceed seven (7) consecutive days.
- F. **Religious Tent Meeting** - In any district, a Temporary Use Permit may be issued for a tent or other temporary structures used to house a religious meeting. Such permits shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- G. **Special Events** – A Temporary Use Permit may be issued for Special Events, but not limited to, tractor pulls, craft or art sales, weddings, music festivals or other similar temporary activities that would take place in an agricultural setting (A-1 district) for not more than four (4) times per year. Such permit shall be in effect for a period not to exceed fifteen (15) consecutive days. Permits for Special Events will be issued to nonprofit, non-taxpaying entities at no cost and to be issued one (1) time each calendar year. Such temporary uses shall only be permitted on lots where adequate off-street parking can be provided. A Temporary Use Permit for a Special Event may be issued in an A-1, C-1, C-2, or M-1 zoned district provided the following conditions are met:

1. An application form shall be completed, and all fees paid prior to consideration of the application. Applications for Special Events shall be made to the Planning Director for Bedford County, Tennessee.
2. A zoning fee of an amount set by and from time to time amended by the Board of Commissioners will be required for the Special Event and an additional zoning fee of an amount also set by and from time to time amended by the Board of Commissioners per each day beyond the first event day, not to exceed fifteen (15) days will be required to obtain the permit.
3. Required Application: The following information must be submitted when making an application for a Temporary Use Permit for a Special Event:
 4. A business license must be obtained from the Bedford County Clerk's Office.
 5. A site plan showing placement of any tent, canopy or structure(s) on the lot intended to be used for the Special Event, dimensions to the property lines and separation distances between proposed temporary uses and neighboring uses, location, and description of provided restroom facilities, location of required parking as required in *Article II, Section 2.200*, location of security & medical safety tent, and location of required refuse containment.
 6. A written plan for collection and removal of collected refuse during and after the Special Event.
 7. A written plan for noise abatement and hours of noise generating entertainment or activities.
 8. A written plan for the safety and security of patrons.
- H. Special Hardships/Temporary Dwelling Unit- In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide's excluded) temporarily on a lot:
 1. In which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to a physical or mental disability and provided further that such a temporary structure be located on the

parcel identified as the address of the primary caregiver, and does not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in proximity as evidence of such disability, and a written statement from the Bedford County Health Department and/or the utilities system approving the water supply and sewerage disposal system of the proposed temporary structure.

Such a permit may be initially issued for a period of twelve (12) months. A permit may be renewed for twelve (12) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The Temporary Use Permit shall be revoked, and the structure removed immediately upon expiration of the permit or upon a change in the condition under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. For other zoning and setback rules, a temporary residence shall be treated as an accessory structure.

2. In which the principal structure was destroyed by fire, explosion, or natural phenomenon. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Bedford County Health Department and/or the utility system approving the water supply and sewage disposal system for the temporary structure.

Such a permit may be initially issued for a period of twelve (12) months. A permit may be renewed for periods of up to six (6) months, the total time for all permits not exceeding twenty-four (24) months. The Temporary Use Permit shall be revoked, and the structure removed immediately upon expiration of the permit or the issuance of a new Certificate of Occupancy for the replaced residential structure.

3.400. TELECOMMUNICATIONS TOWERS AND ANTENNAS

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

- A. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community.
- B. Strongly encourage the joint use (co-location) of new and existing tower sites.
- C. Encourage users of the towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal.
- D. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- E. To enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

1. Authority

a. District Height Limitations

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

b. Public Property

Antennas or towers located on property owned, leased, or otherwise controlled by Bedford County Government or a recognized public utility or any political subdivision of Bedford County shall be exempt from the requirements of this Resolution.

c. Amateur Radio: Receive--Only Antennas

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

d. Pre-Existing Towers and Antennas

Any tower or antenna on for which a permit has been properly issued prior to the effective date of this Resolution shall not be required to meet the requirements of this Resolution. Any such towers or antennas shall be referred to in this Resolution as “pre-existing towers” or “pre-existing antennas”. Any antennas to be added to an existing tower will have to comply with any and all regulations set forth in this Resolution.

2. Requirements

a. Towers shall be located where there shall be no interference with any type of electronic reception in nearby residential areas. Persistent and plausible complaints made by nearby residents, post-construction, shall be considered grounds by the Board of Zoning Appeals for revocation of a special exception. Diligence toward the remediation of any local interference by an antenna approved under this section is of paramount importance to its continued operation.

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

1. The fall-zone radius may be modified from the required formula by the submittal of an original stamped letter from a Tennessee structural engineer stating with *certainty and specificity* the tower will NOT fall beyond the stated radius. A *best guess* letter shall not suffice.

- c. Lot area used for site of tower shall be a ratio of length not to exceed width of lot more than four (4) times.
- d. There shall be a maneuverable amount of room for maintenance vehicles on the property.
- e. Site area shall be entirely enclosed by a chain link fence of not less than six (6) feet in height with a self-latching gate and three (3) rows of barbed wire above perimeter of entire fenced area. The gate shall be pad-locked at all times when tower is not being maintained. Maintenance and upkeep shall be the responsibility of the owner.
- f. Grounds immediately surrounding tower site and ground inside fenced area shall be maintained at all times. The site is to be maintained in compliance with the current Bedford County Zoning Resolution.
- g. On the exterior side of chained link fence, landscaping shall comply with Article II, Section 2.090, Standard A-Transitional Protective Yard, and shall be trimmed at all times to prevent any interference which may occur.
- h. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- i. On-site buildings shall be used for storage of necessary on-site equipment only and shall be built of concrete block.
- j. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color, so as to reduce visual obtrusiveness.
- k. The road or easement to the tower site shall be maintained by the owner of the tower or the owner of the property and shall be maintained by said party(ies) until notice is given to the Planning and Zoning Department that said tower is no longer in use. This road or easement shall be a private road which is used as access to the tower and shall never under

any circumstances become a county accepted or maintained road.

- l. All tower users are required to obtain a permit from the Bedford County Planning, Zoning and Codes Department, Shelbyville, Tennessee. All inspections are to be called for by the user and/or their contractor. All inspections are to be approved before any tower or antenna can be used. Inspection procedures can be obtained in the Building Codes Official.
- m. Lighting of towers is prohibited, unless required by the Federal Aviation Administration (FAA) and/or the Federal Communications Commission (FCC).
- n. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If such governments and regulations are changed, then the owners of the tower and antennas governed by this Resolution shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners' expense.
- o. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment compatible. An inventory and map of all existing towers, public and private airports, heliports, and landing strips within one-half (1/2) mile of the proposed site shall be submitted with application for special exception request. The inventory shall include information on the location, height, and design of each tower and/or type of aircraft facilities.

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

- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (3) Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.
- (4) The applicant's proposed antenna would cause electromagnetic or other interference with an antenna on the existing tower.
- (5) A sufficiently demonstrated claim by the applicant that fees, costs, or contractual provisions required for sharing an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable.

3. Plat Requirements

a. A plat of the purposed tower site shall be submitted to the Bedford County Board of Zoning Appeals, and shall include the following information, but shall not be limited to:

- (1) Name, address, telephone number, and contact person of construction drawings.
- (2) Name, address, and telephone number of property owner.

- (3) Name, address, and telephone number of construction tower contractor.
- (4) Legal description of proposed property to be used for tower site.
- (5) Vicinity of proposed area in conjunction with the county.
- (6) Access to the purposed site and description.
- (7) Type of tower; proposed tower height; and, area of collapsing.
- (8) Surrounding property owners' names and all buildings on purposed site.
- (9) Any public utilities shown, and all public utility easements described.
- (10) Scale of plat.
- (11) Existing public roads and rights-of-way, including private roads.
- (12) Excavation, grading, concrete, and structural steel notes, if any.
- (13) Staking, erosion, and sediment control plans.
- (14) Radio frequency coverage.
- (15) Setbacks.
- (16) Parking, landscaping, buffer strips, if required, and adjacent uses.
- (17) If a buffer is required, appropriate licensed professionals shall seal all documentation of the site plan.
- (18) Required fall zone shall be shown.

(19) Plat shall remain on file in the Planning & Zoning Department.

4. Uses Permitted

- a. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure.
- b. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower and said existing tower is not a pre-existing tower, provided however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

5. Other

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

- (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

- (4) The applicant's proposed antenna would cause electromagnetic or other interference with the existing towers or certain existing structures would cause interference with the applicant's proposed antenna.
- (5) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are shown to be unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

6. Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided however, that the Board of Zoning Appeals may, by issuance of a variance, reduce the standard setbacks and separation requirements, if the goals of this Resolution would be better served, thereby.

- (1) Tower guy and accessory facilities must satisfy the minimum zoning district setback requirements.
- (2) In zoning districts, other than industrial zoning districts, towers over ninety (90) feet in height shall not be located within one-fourth (1/4) of a mile from any existing tower that is over ninety (90) feet in height.

3.410. **PRIVATE CEMETERIES**

- A. Purpose; Goals:** The purpose of this resolution is to provide general guidelines for the development of small family cemeteries on private property.

Its goals are:

1. Ensuring safe ingress/egress between the cemetery and the public street;
2. To provide an area(s) for permanent off-street parking in order to discourage the staging of visiting vehicles along the roadway;
3. To guarantee future permanent access to visiting family members – despite historical changes in ownership; and
4. To eliminate acreage, bulk and setback barriers that would prohibit reasonable access and equity for the provision of private family cemeteries in most circumstances.

- B. Authority:** T.C.A. § 46-8-103. Duty to protect graves or crypt disturbances, prohibited transfer of remains. All private cemeteries with an A-1 zoning classification must submit an application to the Board of Zoning Appeals for a conditional use permit.

- C. Requirements:** Family burial grounds must be platted, recorded, deeded, and dedicated by covenant in perpetuity for the purpose of family burials. Conveyance of the property shall obligate the immediate and future buyer or buyers of the property to protect the gravesite or crypt from disturbance. The owner of the real property shall have the responsibility for taking appropriate action, prior to conveying the property, to ensure that the deed reflects the presence of the gravesite or crypt on the property. The deed shall also reflect the obligations of present and future owners to specifically prohibit the disturbance of land within a ten (10') perimeter of the burial grounds.

Family burial grounds may only be used for the internment of family members of the owner(s). The grounds must be adequately marked, maintained, and its boundaries delineated or fenced with reasonable pedestrian access or gate installed. In cases where the burial grounds are located in or on grounds also used for livestock grazing, husbandry, or are otherwise accessible, part or full time, by large animals, the

boundaries of the burial grounds must be properly fenced in proportion to the type of livestock kept onsite.

1. Commercial Burials: If an owner of a family burial ground wishes to commercialize existing private cemetery grounds in order to provide burial plots for non-family members, the cemetery must be licensed by the State of Tennessee and properly bonded in perpetuity, for the everlasting maintenance and care of the grounds. In addition, the cemetery grounds must be enlarged to a minimum area of two (2) acres. As provided for in T.C.A. § 46-2-107. Funds to Maintain Cemeteries, the bond for maintenance shall include:
 - a. Clearing vegetation or debris as appropriate, planting and otherwise improving the premises, cutting the grass, and raking and leaning cemetery plots at reasonable intervals.
 - b. Repairing and preserving the drains, water lines, roads, fences, or other structures.
 - c. Securing, maintaining, or reconstructing the necessary records of lot ownership and burials.
 - d. Resetting or straightening tipped grave markers, monuments, or memorials.
 - e. Replacing damaged grave markers, monuments, or memorials.

In addition to the basic requirements of the family burial grounds, commercial burial grounds require a rezoning of the property to C-1 or a higher zoning classification unless included on the grounds of a place of worship/church. The developer shall submit a copy of the bond from a reputable company, and Bedford County Zoning Office shall be listed on the policy/bond as a co-beneficiary in order to receive copies of policy updates, and, for the purpose of ensuring perpetual coverage. If at any time the policy is allowed to lapse, the County may, at its discretion, pursue criminal and/or civil action in the enforcement of T.C.A. § 46-8-103 if applicable.

2. Area: Family burial grounds shall have a total area of not less than ten thousand eight-hundred ninety (10,890.00) square feet or one quarter acre and must have greenbelt tax status with the Bedford County Assessor of Property.

3. Ingress: Family burial grounds shall be required to provide a minimum of fifty (50) feet of road frontage, along with a dedicated and improved ingress/egress to the burial grounds. Said frontage may be either through fee simple ownership of the burial grounds parcel, or, in lieu a permanent dedicated easement.
4. Off-Street Parking: Family burial grounds shall be required to provide room for at least two (2) vehicles to park without staging or interfering with traffic or any portion of the public roadway.
5. Access: Reasonable access shall not be denied by any immediate or future owner or owners to relatives by consanguinity, including a spouse, to any such one (1) or more deceased persons whose remains are buried in the burial grounds. All such relatives shall hereby have or enjoy any easement, right, or incident or appurtenant to, a family burial ground.
6. Burial Plots: Individual burial plots must be surveyed and be made part of the survey plat and recorded in a recommended formal data file with the Register of Deeds and the county Archives Department or Historical Commission. For genealogical research purposes, all information shall be made available to the public.

3.420. WEDDING FACILITIES

The following criteria shall be observed in the approval process of any private wedding facility not otherwise *exempt* as referenced in subsection *F* of this section or by Article IV, Section 4.041 (B)(14):

- A. Where Permitted - Wedding facilities are permitted as a special exception in the C-1 and C-2 zoning districts. Wedding facilities may be located on vacant and undeveloped land, on developed land outside of a permanent structure, partially outside of any permanent structure and partially inside of one or more permanent structures legally existing at the time this Resolution was passed, and entirely inside one or more permanent structures which were legally existing at the time this Resolution was passed.
- B. Site Plan – Site plans must be submitted to the Board of Zoning Appeals as regulated by Article II, Section 2.080.

- C. Tents – Weddings may be conducted in tents over 400 square feet with sides or open tents over 700 square feet. Tents may not be erected continuously for more than ten (10) days. All tents must be labeled as treated per NFPA 701 to ensure they are less prone to flame propagation and must have illuminated exit signs and two (2) fire extinguishers per one hundred fifty (150) guests.
- D. General Requirements
1. **Noise Control** – Wedding facilities shall be required to demonstrate noise abatement and mitigation plans upon submittal of the required site plan. A landscaping and buffering plan shall be submitted as regulated by Article II, Section 2.090.
 2. **Ingress/Egress** – The site plan must address adequate vehicular site distance, safe turning movements, and safe simultaneous ingress and egress.
 3. **Sanitation/Refuse** – Adequate septic and refuse sanitation facilities for the proposed occupancy must be established in the required site plan.
 4. **Parking** – Adequate on-site parking for use by customers must be demonstrated by the required site plan as regulated in Article II, Section 2.200.
 5. **Outside Lighting** – Outside lighting may be used for parking safety or for general safety and site identification but shall not be directed toward adjoining property owners. Outdoor lighting shall be as regulated in Article II, Section 2.150.
 6. **Review Criteria** – All general requirements and review criteria as regulated in Article VIII, Section 8.080.
- E. New Construction – Wedding facilities must comply with all building Code requirements for A-3 Classification (Assembly). A commercial building permit is required with a red-stamped set of building plans from a Registered Architect or Licensed Engineer. The building plans must be approved by the State Fire Marshall prior to the issuance of a county building or zoning permit.

- F. **Exemptions** - Wedding facilities that demonstrate the following are exempt from the zoning requirements in this section (*see Article IV, Section 4.041 (B) 14*).:
10. Meet the definition of a working farm/agriculture, providing a copy of the most recent Schedule F of the owners' tax return – to prove agricultural activity and some evidence of the extent of the activity for use in determining compliance for the lawful exemption of agricultural entertainment activities.
 11. Demonstrate the proposed weddings will be an accessory use and subordinate in nature and occurrence than the agricultural use; the proposed wedding facility will be used to support, help sustain or enhance the principle agricultural production, profitability and/or operations.
 12. Demonstrate the use and all proposed activities and structures will be consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site.
 13. Demonstrate the use and all activities and structures related to the use will be located within the general area of the property that is already developed for buildings and residential uses.
 14. Demonstrate any land disturbing activity required to support the non-agricultural use shall be limited in order to preserve prime farmland.

3.430. **RURAL VILLAGE NEIGHBORHOOD DEVELOPMENT REGULATIONS**

The purpose of the RVN Zone is to better accommodate mixed-use (residential and essential convenience retail, office, home-office and light-commercial) opportunities for rurally situated historical villages and recognized historical communities providing the physical design characteristics and economic pathways for the development of pedestrian orientation, store front streets, local businesses, and local employment within a neighborhood setting.

In order to accomplish the County Commission's goal of creating better planned, more economically sustainable, and more accessible rural commercial opportunities, the Board of Zoning Appeals must, in review of its decision to approve or deny any applied for ***special exception*** for any RVN development, require the following items be submitted for review with the Planning Department at least 30 days prior to the next regularly scheduled BZA meeting:

- A. A plot plan, as described in Article II, Section 2.080;
- B. Visual architectural renderings or conceptual drawings depicting the proposed development/buildings in a scaled context, showing all architectural elements, facades, fenestrations, signage, etc., and how local traffic, vehicular, pedestrian, and multi-modal, interact with and visit (parking/loading-unloading concepts) the project.

ARTICLE IV ZONING DISTRICTS

SECTION

- 4.010 Classification of Districts**
- 4.020 Bedford County Zoning Map**
- 4.030 Zoning District Boundaries**
- 4.040 Specific District Regulations**
 - 4.041 A-1, Agricultural-Forestry District**
 - 4.042 R-1, Suburban Residential District**
 - 4.043 R-2, Medium Density Residential District**
 - 4.044 R-3, Residential Multi-Family District**
 - 4.045 Planned Unit Development Districts (PUD's)**
 - 4.046 C-1, Rural Center District**
 - 4.047 C-2, General Commercial District**
 - 4.048 O-P, Office Professional District**
 - 4.049 M-1, General Industrial District**
 - 4.050 M-2, Special Impact Industrial District**
- 4.060 Overlay Zoning Districts**
 - 4.061 Airport Overlay District**
 - 4.062 Shelbyville Gateway Overlay District**
 - 4.063 Bell Buckle Gateway Overlay District**
 - 4.064 Duck River Overlay District**
 - 4.065 Special Character Districts**
 - 4.066 Renewable Energy Development District**

4.010. CLASSIFICATION OF DISTRICTS

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

<u>Zoning District</u>	<u>Abbreviation</u>
Agricultural-Forestry District	A-1
Suburban Residential District	R-1
Medium Density Residential District	R-2
Residential Multi-Family District	R-3
Planned Unit Development (PUD) Districts ..	R-1 PUD/R-2 PUD
Rural Center Commercial District	C-1
General Commercial District	C-2
Office Professional District	OP
General Industrial District	M-1
Special Impact Industrial District	M-2
Airport Overlay District	AP-O
Shelbyville Gateway Overlay District	SGW-O
Bell Buckle Gateway Overlay District	BBG-O
Duck River Overlay District	DR-O
Special Character Overlay District	SCD
a. Rural Village Neighborhood	RVN
b. Employment and Activity Center	EAC
Renewable Energy Development District	REDD

Refer to Bedford County Floodplain Zoning Resolution in Article V for Floodplain Regulations.

4.020. BEDFORD COUNTY ZONING MAP

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

4.030. ZONING DISTRICT BOUNDARIES

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

Where a district boundary line bifurcates a particular parcel, which was in single ownership at the time of passage of this resolution, the district boundary line shall not exceed five hundred (500') feet beyond the road frontage into the remaining portion of the lot which is zoned differently. Additionally, when a property owner seeks to rezone only a portion of any parcel, the more intense use zoning district shall always be at the frontage and extend no more than five hundred (500') feet beyond the road frontage. There must be enough property un-zoned to meet the dimensional and other requirements for it to become a legal lot.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the business and industrial use shall be limited to the property facing or fronting the street zoned for business or industry throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose of this resolution to limit business and industrial uses to the property facing or fronting the street zoned for business or industry in order to prohibit such uses from facing or fronting a street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have the authority to determine on which street the business or industrial use shall face or front so that the intent of the resolution shall be observed.

4.040. SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the ten (10) zoning districts established in Section 4.010, of this resolution:

4.041 **A-1, AGRICULTURAL-FORESTRY DISTRICT**

A. District Description

This district is intended to preserve space for agricultural and forestry uses which together comprise an important segment of the economy of Bedford County and to better protect these agricultural and agri-tourism economies by respecting the important cultural and economic value of our unique natural aesthetic resources. The primary intent of the A-1 District is to minimize conflicts between agricultural and forestry activities and various non-farm activities; to permit lands that are best suited for intense agricultural uses to be preserved for these suited purposes; and to prevent lands unsuitable for development of an urban or non-rural nature - due to topographic problems, location, or the inability to provide necessary urban services, from being encroached upon by these incompatible land uses.

Areas assigned to the A-1 District are primarily areas where growth of an urban or non-rural nature is deemed undesirable for one or more of the reasons outlined above. Although the A-1 District is primarily a rural district, it also provides for low-density residential development with lot sizes for single-family dwellings being more restrictive than those of the other residential districts.

A proposed zoning re-classification to any Commercial or Industrial zoning district is prohibited unless the proposed commercial or Industrial zoning re-classification will benefit the residents of the general vicinity; would not change the overall aesthetic of the community it serves; OR, if the zoning request is in proximity to other like-zoned areas; the parcel is within an Urban Growth Boundary of an incorporated municipality, and emphasizes a benefit to the community it will serve; OR, if the proposed zoning re-classification is deemed to be of benefit to the county at large.

Additionally, the entire map of Bedford County was deemed A-1 at the onset of the Effective Date of this Resolution; lots-of-record zoned A-1 should not ***automatically*** be considered undesirable for being rezoned to alternative zoning districts – the full text of this Resolution should be applicable for any such review. The following regulations shall apply in the A-1, Agriculture-Forestry District, as defined on the Zoning Map of Bedford County, Tennessee:

B. Uses Permitted

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

1. Agricultural and forestry uses and their accessory structures, as defined in Article VII;
2. Detached single-family dwellings, including mobile homes and tiny homes;
3. Agricultural processing including cotton ginning and compressing, corn shelling, hay baling and threshing services;
4. Animal husbandry services, including veterinarian services, animal hospital services and poultry hatchery services;
5. Forestry activities and related services, including sawmills;
6. Public and informational signs and billboards as regulated in Article III, Section 3.360;
7. Government of publicly owned (cooperatives) utility facilities necessary for the provision of essential public services, such as wired electric, water, sewer, natural gas, including privately owned essential and non-essential public services (e.g., cable, telephone, etc.) if located within a dedicated road easement or exiting right-of-way;
8. Public schools (K-12), Public libraries, Fire, Police, EMS and similar public safety stations;
9. Fisheries and related services;
10. Agriculturally related commercial, recreational, and educational activities and agritourism. Light entertainment activities (wedding barn, corporate retreats, wine tastings, etc.) on a full-time working farm (*see Article VII, Section 7.020 definitions: farm*), which are subordinate and/or

incidental to the farming activities (*see Article III, Section 3.420*)”;

11. Churches or other places of religious assembly;
12. Yard Sales; under the following conditions:
 - a) Multiple events shall only be conducted on any one (1) zone lot less than or equal to twelve (12) separate times per calendar year;
 - b. Each one (1) event shall not be conducted on any zone lot more than three (3) consecutive days;
 - c. Individual events shall not be conducted on any zone lot on consecutive weeks from a previous event week;
 - d. Events shall not be conducted on a zone lot where more than five (5) individuals or families consolidate their goods for a common sale; and
 - e. Yard sale items, merchandise, tables, tents, or other appurtenances of a yard sale shall not be perpetually set up on any lot; all items related to any yard sale shall be taken down and stored inside a walled structure within twenty-four (24) hours of each sale event.

C. Uses Permitted as Special Exceptions

In the A-1, Agricultural District, the following uses, and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.080.

1. Veterinary hospital, riding stable;
2. Marinas;
3. Medical Facilities (*see Article III, Section 3.200*);
4. Fisheries/Hatcheries;

5. Feed Lots, as regulated by the Tennessee Department of Environment and Conservation, which comply with all applicable state and federal laws and rules (*See Article III, Section 3.130*);
6. Surface (topsoil) quarrying of natural mineral resources and/or the storage of natural mineral resources, which comply with all applicable state and federal laws (*See Article II, Section 2.190*);
7. Private schools (PreK-12), private libraries (see definition);
8. Neighborhood shopping facilities, provided the total space devoted to retail sales does not exceed four thousand (4,000) square feet, and for the provision of household goods, clothing, food, hardware or agricultural supplies only (*See Article III, Section 3.350*);
9. Type I and Type II Customary Incidental Home Occupations, as regulated in Article III, Section 3.090;
10. Private recreational facilities other than those permitted (*See Article III, Section(s) 3.170 & 3.180*);
11. Public recreational facilities (*See Article III, Section 3.170*);
12. Bed and Breakfast (home residence) –*See Article III, Section 3.050*;
13. Short-Term rental, Air Bed and Breakfast (*See Article III, Section 3.050*);
14. Private utility facilities for the provision of non-essential services such as cellular towers. (*See Article III, Section 3.400.*);
15. Cemeteries; as regulated in Article II, Section 2.030;
16. Roadside fruit and vegetable stands, not otherwise exempt under Article III, Section 3.010;
17. Licensed Professional Offices;

18. Public Airports and Private Airstrips (See Article III, Section 3.340;
19. Commercial feed lots (See Article III, Section 3.130);
20. Family childcare homes (See Article III, Section 3.100);
21. Campgrounds (See Article III, Section 3.170, 3.080);
22. Group childcare homes (See Article III, Section 3.190);
23. Childcare centers. (Childcare centers shall have a minimum lot size of two (2) acres. The size of the day care center shall be limited to twelve (12) children per acre.) (See Article III, Section 3.190);
24. Restaurants;
25. Automotive body and repair shops, as regulated in Article III, Section 3.090;
26. Limited automotive restoration shops;
27. Private outdoor sporting activities (see Art. III, Sec. 3.080 & 3.140);
28. Antique repair and sales;
29. Farm tractor and agricultural equipment sales and repair business;
30. Accessory dwelling unit (guest house) as regulated by Article II, Section 2.070;
31. Personal accessory structures for use by the property owner as regulated by Article II, Section 2.070; and
32. Outdoor Firearms Training Facilities and related activities excluding skeet shooting – see Article III, Section 3.140.

33. K-9 Kennels
34. Commercial, Non-Public Utility Power Generating Facility (NPU) only if located within the boundaries of the adopted **Bedford County Renewable Energy Overlay Zone (REZ)** (see *Article II, Section 2.141 & Article IV, Section 4.066 – Renewable Energy Development District, Subsection(s) 4.066.0 & 4.066.1*).

D. Uses Prohibited

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

E. Dimensional Regulations

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

1. **Front Yard** - The minimum depth of the front yard shall be fifty (50) feet when said property fronts an existing public road of record on the most recent Bedford County Major Thoroughfare Plan. Otherwise, the setback line will be seventy-five (75) feet from the centerline of the access road or easement. Lot size shall contain adequate space to allow all houses to be built uniformly with respect to setback. When a proposed subdivision lot contains its approved soils area at its front, the front setback will be moved beyond the soils area. (If a question arises as to the front, the County Zoning Compliance Officer shall have the authority to make said determination.)
2. **Rear Yard** - The minimum depth of the rear yard shall be forty (40) feet from the principal structure.
3. **Side Yard** - The side yard shall be a minimum of twenty-five (25) feet for a single-story structure plus an additional five (5) feet for each additional story.

4. **Lot Width** – No lot shall be less than one-hundred fifty (150) feet in width at the front setback line of the lot.
5. **Land Area** – No farm, ranch, or other parcel of land shall be reduced in area to provide separate lots or building sites of less than one (1) acre in area. Proposed lots must submit the required soils analysis indicative of compliance with the required standards of the Tennessee Department of Environment and Conservation (TDEC), the Bedford County Environmentalist shall submit a written statement certifying same to the Bedford County Zoning Officer, who shall issue a zoning compliance certificate to the applicant, providing all other provisions of the Bedford County Zoning Resolution are thus met.

However, where there is an existing lot of record of **less than one (1) acre** on the date of adoption of this zoning resolution, this lot may thus be utilized for the construction of one single-family dwelling. **No accessory structures shall be allowed on pre-existing non-conforming lots of record.**

In the event that the property proposed to be subdivided is **less than five (5) acres** in area, then a soils analysis of the property must be conducted and the results of such an analysis shall be transmitted to the Bedford County Environmentalist. If the results of the soils analysis indicate compliance with the required standards of the Tennessee Department of Environment and Conservation, the Bedford County Environmentalist shall submit a written statement certifying same to the Bedford County Zoning Compliance Officer. Upon receipt of such a certification from the County Environmentalist, the Zoning Compliance Officer shall issue a Development Permit to the applicant, providing all the provisions of the Bedford County Zoning Resolution are met.

In the event the results of the soils analysis or other tests that may be required, **do not meet** the required standards of the Tennessee Department of Environment and Conservation, the owner(s) shall submit to the Zoning Compliance Officer, prior to the issuance of a Development Permit, a proposed plot plan, in lieu of a certification, which shall define what lot size or configuration, or both, shall be necessary to meet the required standards. The Zoning Compliance Officer shall not issue a Development Permit until the necessary changes and

lot configurations have been made and recorded then submitted to the Zoning Compliance Officer a certification that with these changes the standards of the Tennessee Department of Environment and Conservation have been met.

In the event that the proposed subdivision of an existing lot of record is submitted for approval, having met all other subdivision development criteria, contains an existing principle structure and sub-surface sewage disposal system, the owner shall obtain one of the following from the Bedford County Environmentalist and submit same with the proposed plat:

- a) A certified copy of the original septic permit for the exact system and pre-existing principle structure.
- b) An inspection letter from the Bedford County Environmentalist certifying that a real septic system exists and is attached to the pre-existing home.
- c) A new septic permit from the Bedford County Environmentalist.

If none of the three (3) items can be obtained, the proposed subdivision shall not be approved.

- 6. **Location of Accessory Structures:** Accessory structures shall be located at least ten (10) feet from side and rear lot lines. Accessory structures shall also be located at least ten (10) feet away from the principal structure and/or any other accessory structures. No accessory structure is permitted in the required front yard, including corner lots as regulated in Article II, Section 2.100. **Note:** Exceptions enumerated in Article II, Section 2.070.
- 7. **Bulk, Maximum Lot Coverage:** Buildings and structures shall not be permitted to cover more than thirty (30) percent of the land area within the lot-of-record.
- 8. **Height Requirement** - No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in

Article VI, Section 6.030, and agricultural buildings, i.e., barns, silos, etc.

9. **Parking Space Requirements** - As regulated in Article III, Section 2.200.

4.042 R-1, SUBURBAN RESIDENTIAL DISTRICT

A. District Description

The R-1, Suburban Residential District, is only permitted within one thousand (1,000) feet of any municipal Urban Growth Boundary (UGB) on any classified roadway type as shown on the Major Thoroughfare Plan of Bedford County.

The R-1, Suburban Residential District, is suitable for low-density single-family residential development. This District is only allowed for areas, as stated above, where adequate public water supply or public wastewater service is available. The principal use of land in this District is single-family residential. The following regulations shall apply in the R-1, Suburban Residential District, as defined on the Zoning Map of Bedford County, Tennessee.

B. Uses Permitted

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

1. Detached single-family dwellings, excluding mobile homes;
2. Churches and other places of religious assembly; and
3. Public utility facilities necessary for the provision of essential public services.

C. Uses Permitted as Special Exception

1. Public and private recreation facilities (*see Article III, Section 3.080*);
2. Private education facilities (*see Art. III, Sec. 3.070*);
3. Cemeteries as accessories to churches;

4. Governmental Services and community centers;
5. Family Child Care Homes (*see Art. III, Sec. 3.100*);
6. Child Care Homes and Childcare Centers as part of a planned unit development (PUD);
7. Group Child Care Homes and Day Care Centers that are secondary to Churches or Educational Institutions (*see Article III, Section 3.190*);
8. Accessory Dwelling Unit (guest house). Accessory dwelling unit (guest house) as regulated by *Article II, Section 2.070*;
9. Type I Customary Incidental Home Occupations as regulated by *Article III, Section 3.090*;
10. Rooming and boarding houses that comply with the Federal Fair Housing Act, 42 U.S.C., 3601 and 3602; and
11. Bed and Breakfast and Short-Term (Air B&B) Rentals as regulated by *Article III, Section 3.050*.

D. Uses Prohibited

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

E. Dimensional Regulations

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

1. **Front Yard** - The minimum depth of the front yard shall be thirty (30) feet. When a proposed subdivision lot contains its approved soils area at its front, the front setback will be moved beyond the soils area. **Lot sizes shall contain adequate space to allow all houses to be built uniformly with respect to setback.**

2. **Rear Yard** - The minimum depth of the rear yard shall be twenty-five (25) feet for the principal structure.
3. **Side Yard** - The side yard shall be a minimum of fifteen (15) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two.
4. **Lot Width** – For lots served by public sanitary sewers, no lot shall be less than one hundred (100) feet wide at the building setback line. For lots without public sanitary sewers, no lot shall be less than one hundred twenty-five (125) feet in width at the front setback line.
5. **Land Area** – Notwithstanding cluster developments or planned unit developments, no lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than thirty thousand (30,000) square feet in area. However, where there is an existing lot of record of less than thirty thousand (30,000) square feet, at the time of adoption of this resolution or amendment, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has public water supply and providing that said lot of record is not less than seven-thousand five-hundred (7,500) square feet in area, and thus meets all the requirements of the Bedford County Environmentalist.
 - * The above lot size requirements shall be increased to accommodate the minimum lot size requirements mandated by the Bedford County Environmentalist whenever local or state health department requirements as determined through the use of percolation tests, soils tests, etc., are shown to be more restrictive.
6. **Maximum Lot Coverage** - On any lot or parcel of land, the area occupied by all buildings, including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel, or of the buildable area of said lot as defined by the front, side and rear yard setbacks, whichever is less.
7. **Height Requirements** - No building shall exceed three (3) stories on thirty-five (35) feet in height, except as provided in Article VI, Section 6.030.

8. **Parking Space Requirements** -As regulated in Article II, Section 2.200.
9. **Location of Accessory Structures** – Accessory structures shall be located at least ten (10) feet from side and rear lot lines. No accessory structure is allowed in the required front yard, including corner lots as regulated in Article II, Section 2.070.

4.043 R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT

A. District Description

The R-2, Medium Density Residential District is intended to provide areas which are suitable for medium-density single family residential development. This District is particularly suitable for areas adjacent to or near urban areas, within five hundred (500) feet of a municipal U.G.B. where an adequate public water supply or public wastewater service is available. The principal use of land in this district is medium-density single-family residential units. The following regulations shall apply in the R-2, Medium Density Residential District, as defined on the Zoning Map of Bedford County, Tennessee.

B. Uses Permitted

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

1. Detached single-family Dwelling, not including mobile homes;
2. Rooming and boarding houses that comply with the Federal Fair Housing Act, 42 U.S.C., 3601 and 3602;
3. Public utility facilities necessary for the provision of essential public services;
4. Childcare Homes and Day Care Centers as part of a Planned Unit Development (PUD); and

5. Church's and other places of religious assembly.

C. Uses Permitted as Special Exceptions

In the R-2, 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 8.080.

1. Short-Term rental, Air Bed and Breakfast – as regulated by Article III, Section 3.050;
2. Bed and Breakfast (home residence) – as regulated by Article III, Section 3.050;
3. Public and private recreation facilities (see Article III, Section 3.080);
4. Private Education facilities (see Art. III, Sec. 3.070);
5. Cemeteries, as accessories to churches;
6. Governmental services;
7. Family childcare homes (see Article III, Sec. 3.100);
8. Group childcare homes and day care centers that are secondary to churches or educational institutions;
9. Type I Customary Incidental Home Occupations as regulated by Article III, Section 3.090; and
10. Accessory dwelling unit (guest house) as regulated by Article II, Section 2.070.

D. Uses Prohibited

In the R-2, Medium Density Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board of Zoning Appeals are prohibited.

E. Dimensional Regulations

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

1. **Front Yard** - The minimum depth of the front yard shall be twenty-five (25) feet. When a proposed subdivision lot contains its approved soils area at its front, the front setback will be moved beyond the soils area.
2. **Rear Yard** - The minimum depth of the rear yard shall be twenty (20) feet for the principal structure and ten (10) additional feet for any permitted accessory structure.
3. **Side Yard** - The side yard shall be a minimum of fifteen (15) feet on one side and a minimum of ten (10) feet on the opposite side for one and two-story structures plus five (5) additional feet of side yard for each additional story over two.
4. **Land Area** - No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than twenty-five thousand (25,000) square feet in area. However, where there is an existing lot of record of less than twenty-five thousand (25,000) square feet, at the time of adoption of this resolution, this may be utilized for the construction of one single family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than six thousand (6,000) square feet in area and meets Health Department requirements.

*The above lot size requirements shall be increased to accommodate the minimum lot size requirements mandated by the Bedford County Environmentalist whenever local or state health department requirements as determined through the use of percolation tests, soils tests, etc., are shown to be more restrictive.

5. **Maximum Lot Coverage** - On any lot or parcel of land in the R-2 Medium Density Residential District, the area occupied by all buildings, including accessory buildings, may not exceed fifty (50) percent of the total area of such lot or parcel, or of the buildable area of said lot as defined by the front, side, and rear yard setbacks, whichever is less.

6. **Lot Width** - No lot shall be less than ninety (90) feet wide at the building setback line.
7. **Height Requirement** - No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.030.
8. **Parking Space Requirements** - As regulated in Article II, Section 2.200.

4.044 R-3, RESIDENTIAL MULTI-FAMILY DISTRICT

A. District Description

The R-3, Residential Multi-Family District is intended to provide areas which are suitable for multi-family and high-density residential uses and on streets classified as collector or arterial as defined on the Bedford County Major Thoroughfare Plan inside the boundaries of a municipal Urban Growth Boundary (U.G.B.). This district is particularly suitable for areas adjacent or near urban areas, where an adequate public water supply or public wastewater service is available. The principal uses of land range from multi-family apartment uses, approved mobile home developments to duplex houses. The following regulations shall apply in the R-3, Residential Multi-Family District, as defined on the Zoning Map of Bedford County, Tennessee.

B. Uses Permitted

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

1. Detached and Attached Single-Family Dwellings
2. Churches and other places of religious assembly.
3. Duplex, Triplex, and Quadraplex Dwellings
4. Row Houses
5. Apartment Dwellings

6. Rooming and Boarding Houses
5. Essential Utilities
6. Public utility facilities necessary for the provision of essential public services.
7. Mobile Home Parks Subject to the Provisions of Article III, Section 3.300.
8. Child Care Homes and Day Care Centers as part of a Planned Unit Development (PUD) or Mobile Home Park.
9. Rooming and boarding houses that comply with the Federal Fair Housing Act, 42 U.S.C., 3601 and 3602;

C. Uses Permitted as Special Exceptions

In the R-3, Residential District, the following uses, and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VII, Section 8.080.

1. Public and Private Recreational Facilities;
2. Private educational facilities;
3. Cemeteries, as accessories to churches;
4. Governmental services;
5. Short-Term rental; Air Bed and Breakfast – as regulated by Article III, Section 3.050;
6. Family Child Care Homes (See Article III, Section 3.190;)
7. Group Childcare Homes and Day Care Centers that are Secondary to Churches, Educational Institutions, Apartments, Mobile Home Parks and Group Housing.

D. Uses Prohibited

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

E. Dimensional Regulations

All uses permitted in the R-3, Residential Multi-Family District, shall comply with the following requirements, except as provided in Article VI, **and** in the case of a mobile home park, also in accordance with the provisions found in Article III, Section 3.300.

1. **Front Yard** - The minimum depth of the front yard shall be thirty (30) feet. When a proposed subdivision lot contains its approved soils area at its front, the front setback will be moved beyond the soils area.
2. **Rear Yard** - The minimum depth of the rear yard shall be twenty-five (25) feet for the principal structure and ten (10) additional feet for any permitted accessory structure.
3. **Side Yard** - The side yard of each multi-family structure shall be a minimum of twenty-five (25) feet for one and two-story structures plus five (5) additional feet of side yard for each additional story over two.
4. **Land Area** - No lot or parcel of land shall be reduced in size to provide separate lots or individual building sites of less than twenty thousand (20,000) square feet in area, except as provided for multi-family dwellings (*see Chart below: Bulk Regulations for Multi-Family Dwellings*) and for mobile home parks as regulated in Article III, Section 3.060. However, where there is an existing lot of record of less than twenty thousand (20,000) square feet at the time of adoption of this resolution, this may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than seven thousand five hundred (7,500) square feet in area and meets health department requirements.

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

Bulk Regulations for Multi-Family Dwellings		
Number of Dwelling Units	With Public Water & Sanitary Sewer	With Public Water, but without Public Wastewater*
1	10,000 sq. ft.	20,000 sq. ft.
2	15,000 sq. ft.	20,000 sq. ft.
3	17,000 sq. ft.	25,000 sq. ft.
4	25,000 sq. ft.	30,000 sq. ft.
More than 4 (Ea. over 4)	5,000 sq. ft. +	Not Permitted, unless on-site treatment unit (decentralized wastewater system) is used – 30,000 sq. ft. plus 5,000 sq. ft. for each unit over 4.
<p>*NOTES: The Board of Zoning Appeals may increase the lot size requirement if a soils analysis of percolation tests as required by the TDEC Environmentalist indicate a potential problem with subsurface sewage disposal.</p> <p>* <u>Dwelling units not served by public water nor sanitary sewers are subject to the approval by the TDEC Environmentalist.</u></p>		

5. **Maximum Lot Coverage** - On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty-five (45) percent of the total area of such lot or parcel, or of the buildable area of said lot as defined by the front, side, and rear yard setbacks, whichever is less.
6. **Lot Width** - No lot shall be less than one hundred (100) feet wide at the building setback line.
7. **Height Requirement** - No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VI, Section 6.030.
8. **Parking Space Requirements** - As regulated in Article II, Section 2.200.

4.045. Residential Planned Unit Development District (PUD)

A. District Description

These regulations are designed to encourage innovative land planning and promote flexibility in design and permit planned diversification in the location of structures and avoid the monotony sometimes associated with large developments by:

1. Promotion of efficient use of land that will facilitate a more attractive arrangement of buildings; circulation systems, land use, and utilities;
2. To encourage the conservation of existing natural landscape features, preservation of open space and critical or sensitive areas, and utilize them in a harmonious fashion;
3. To provide flexibility in the application of land development regulations that will encourage innovative development and redevelopment for residential and nonresidential purposes so that a growing demand for other housing and other development and land use may be met by a variety in type, design, and layout of dwellings and other buildings and structures, including traditional neighborhood development;
4. To provide flexibility in architectural design, placement, and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking; and related site design considerations;
5. To provide efficient use of public facilities;
6. To encourage the total planning of tracts of land;
7. To provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof; and
8. To allow increases in density beyond what is typically found in a conventionally zoned tract or to offset any reduction in developable lands (i.e. land dedicated to open space).

These districts are freestanding and are not to be used as an overlay zone.

B. Standards of Review

All applications for PUD approval will be evaluated using the following standards of review:

1. Ownership and Division of Land

An application for the approval of a PUD may be submitted by one or more owners of the property to be included in the PUD. The holder of a written option to purchase or any governmental agency shall be considered an owner for the purposes of this section. Unless otherwise provided as a condition of approval of the PUD, the landowner of an adopted planned development may divide and transfer parts of such development provided that the transferee shall be obligated to complete each such part, and use and maintain it in strict conformance with the approved PUD.

2. Adequate Public Facilities

Approval of a PUD shall be based upon a finding that streets, utilities, and drainage features have adequate capacity to serve the proposed development. The applicant for a PUD shall present any applicable studies (i.e. traffic studies) and documentation with their application that demonstrates all relevant utility companies and governmental departments have been consulted and that adequate capacity exists for their proposed development. If deficiencies do exist, the applicant shall offer to upgrade or otherwise provide adequate facilities to support their proposed development.

3. Connectivity

- a. Street System Connectivity. An interconnected street system is necessary in order to promote orderly and safe development by ensuring that streets function in an interdependent manner, provide adequate access

for emergencies and service vehicles, enhance access by ensuring connected transportation routes and provide continuous and comprehensible traffic routes. Applications for planned developments are encouraged to provide public street access to adjoining properties, including connections into any existing streets that currently stub into the property. At the same time, staff understands that connections to all properties may not be practical. Therefore, the flowing information shall be required with all PUD applications:

- (1) A plan showing all proposed connections to adjacent properties;
 - (2) If the applicant feels that there are certain connections that are not practical or possible to make, or if they feel that their development meets the intent of this section with the connections proposed, a written explanation of their position shall be submitted with their plan.
- b. Bicycle/Pedestrian Connectivity. Walkways are encouraged to be provided within the PUD in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. Where appropriate the plan shall provide pedestrian/bicycle access to, between, or through open space areas and to appropriate off-site amenities. Informal trails may be constructed of gravel, wood chip or other similar material.

4. Landscaping

Landscaping is intended to make uses more compatible by requiring a screen or buffer between the uses in order to minimize the potentially harmful impact of noise and objectionable views. Landscaping shall at a minimum

conform to the standards in Article II, Section 2.090 of this resolution.

5. Off-Street Parking

Off-street parking requirements shall conform to the standards located in Article II, Section 2.200 of this resolution, unless otherwise stated in the applicant's regulating pattern book. A parking study may be submitted as part of the PUD application to demonstrate the amount of proposed off-street parking and its ability to accommodate the proposed uses.

6. Perimeter Requirements

PUD's shall be harmonious and not conflict with the surrounding residential neighborhood. Use of landscaping, screening, open space, architectural compatibility measures, change in density, and the placement of buildings shall be accepted land use planning tools by which this harmonious relationship can be created.

7. Architectural Design

PUD architecture should demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion and identity can be demonstrated in similar building scale or mass; consistent use of façade materials; similar ground level detailing, color or signage; consistency in functional systems, such as roadway or pedestrian way surfaces, signage, or landscaping; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site.

8. Bulk Regulations

The legislative body may approve a development plan that modifies and establishes lot size limits, setback requirements, height limits, maximum lot coverage and other bulk requirements. Any modifications to the bulk regulations shall adhere to any applicable building codes. Unless otherwise stated in the applicant's regulating pattern book, bulk regulations shall be consistent with the zoning regulations most constituent with the development type (i.e. residential, commercial, etc.) based on the interpretation of the Planning Director.

9. Minimum Building Separation

Required building separation is determined by applicable building and fire codes. In developments where building separation will be less than fifteen (15) feet, the applicant shall be required to demonstrate adequate fire protection.

10. Waiver of Board of Zoning Appeals Action

No action of the Board of Zoning Appeals shall be required in the approval of a PUD.

11. Open Space

a. Required Open Space.

In all residential PUD's, a minimum of ten (10) percent of the gross project area, excluding areas devoted to wastewater disposal (i.e. STEP Systems) or nonresidential uses, shall be set aside as open space. At least fifty (50) percent of this land shall be Usable Open Space, as defined in this Chapter. All PUD's that are completely non-residential are exempt from this requirement.

b. Definitions – See Article VII, Definitions

c. Permitted Uses.

(1) Open space containing natural features worthy of preservation may be left unimproved. Permitted uses for open space may include, but are not limited to:

(a) Greenbelts that serve as a buffer between land uses, using existing vegetation, or an aesthetic amenity such as boulevard trees;

(b) Agriculture or pasture uses; and

(c) Preservation of important natural or historical features.

(2) Usable open space must be suitably improved for its intended use. Active recreation facilities are encouraged. Permitted uses for usable open space may include, but are not limited to:

(a) Pedestrian, bike and multi-purpose trails;

(b) Passive recreation areas, including pocket parks; and

(c) Active recreation areas, such as ball fields and playgrounds, provided that they are limited in impervious area to ten (10) percent of the required open space.

d. Location and Configuration

Where relevant and appropriate, open and usable open space shall be located so as to be readily accessible by residents and uses of the development. To the extent practicable, open space and usable open space should provide the following;

- (1) Focal points for the development, such as public gathering areas, fountains, etc.
- (2) Connectivity within the development so that an interconnected network of open space can be enjoyed by the residents.
- (3) An extension and enlargement of presently exiting or planned trail, park, or other open area land adjacent to the development.

e. Stormwater Management Facilities

Stormwater detention/retention facilities may be allowed by the County as part of an open space plan subject to the following criteria:

- (1) The detention pond shall be constructed so as to drain fully when precipitation is not occurring (i.e. no standing water may be left) unless the pond is designed as an aesthetic amenity.
- (2) The side slope of the detention pond shall not exceed thirty-three (33) percent unless slopes are existing, natural, and covered with vegetation.
- (3) If detention facilities are located adjacent to or near a natural, year-round stream or wetland, these systems shall be left in natural or near-natural condition.
- (4) The detention area shall be landscaped in a manner which is both aesthetic and able to withstand the inundation expected.
- (5) Use of a dedicated usable open space area for storm water detention/retention shall not be acceptable if the area must be fenced or

otherwise rendered unsuitable or unfavorable for recreation use during dry weather.

- (6) In the case of joint use of usable open space for detention and recreation, the homeowners' association shall be deemed responsible for maintenance of the facilities.

f. Areas Not Considered Open Space or Usable Open Space

- (1) The area within a public street right-of-way or private road access easements or other easements that include roads, drives, or utility lines;
- (2) The area within any manmade storm water detention or retention pond, unless improved consistent with the above Article IV, Section 4.045(B)(11)(e).
- (3) STEP System or other alternative sewer system soils areas and reserved duplicate soils areas.

g. Phasing of Open Space and Usable Open Space

The phasing plan shall coordinate the improvements of open space and common open space in the development. No occupancy permits shall be issued for any portion of the phase unless and until the open space and usable open space which is part of that phase has been improved and dedicated to a maintenance organization.

h. Maintenance of Open Space and Usable Open Space

If the open space and usable open space is deeded to a property owner's association, the developer shall file with the Planning Commission a declaration of covenants and restrictions that will govern the

association to be submitted with the application for preliminary subdivision plat or site plan approval. The County Attorney will review the documentation as to form prior to Planning Commission Approval. The provisions shall include, but not be limited to the following:

- (1) The association must be set up before the properties are sold;
- (2) Membership must be mandatory for each buyer and any successive buyer;
- (3) The open space and usable open space restrictions must be permanent, not just for a period of years;
- (4) The association must be responsible for liability insurance, local taxes and the maintenance of neighborhood recreational and other facilities; and
- (5) Property owners must pay their prorated share of the cost to the assessment levied by the association to meet changed needs.

12. Project Phasing

The Bedford County Planning Commission may elect to permit the development of a PUD in phases; in which case, the following provisions shall be complied with:

- a. Any phasing plan shall be approved during the PUD review process and shall be sufficient in terms of size and scope in order for the phase to exist as a “stand alone” project, in the event the applicant does not implement subsequent phases of the PUD as proposed and approved.

- b. Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties would not be detrimental or a deterrent to further development or the community and adjacent properties.
- c. Time extension for Concept Plans. The owner and/or applicant who requested the PUD may request an extension of the Concept Plan in one-year increments. The request shall require a revised phasing plan to be submitted. Approval of a time extension is at the discretion of the Planning Commission. However, the total time extension shall not exceed two years without re-approval being granted by the Board of Commissioners. When considering approval of a time extension, the Planning Commission may recommend the concept plan to be modified to comply with regulations adopted since the PUD was approved and/or to address changes to surrounding properties since the PUD was approved.
- d. Inactive PUD's. A PUD shall be considered inactive if any of the following situations occur:
 - (1) If a preliminary subdivision plan or site plan has not been approved by the Planning Commission within one (1) year of the effective date of the PUD;
 - (2) If a final subdivision plat has not been recorded by the Planning Commission within two (2) years of the Commission's approval of a preliminary subdivision plan;
 - (3) If actual construction has not begun on an approved site plan within eighteen (18) months of Planning Commission approval consistent with Article VIII of this resolution. For the

purposes of this subsection, actual construction is defined to include permanent fastening of construction materials on-site or extensive grading including demolition or removal of existing structures necessary for the development; or

- (4) If at any time the PUD, or phase of the PUD has not been developed according to a schedule established with the original approval of the PUD, unless time extensions have been granted by the Planning Commission as specified in Article IV, Section 4.045 (B), Subsection 12(C).
- e. If a PUD is inactive, the Planning Commission shall give notice by certified mail to the owner/applicant who requested the PUD and shall schedule a public hearing to take any of the following actions:
 - (1) Recommend extending, removing or modifying the schedule for development;
 - (2) Recommend amendments to the concept plan; or
 - (3) Recommend rezoning of the property to its former zoning classification.

C. Types of Planned Unit Developments

There are hereby created two (2) districts of Residential Planned Unit Developments (PUD's) as follows:

B. Low Density Residential PUD	R-1 PUD
C. Medium Density Residential PUD	R-2 PUD

1. Purpose

- a. **R-1 PUD** - The purpose of a Low Density Residential, R-1 PUD is to permit development of land in a cohesive planned development in order to increase useable recreation space, provide for pedestrian circulation, and to prohibit the use of land which by reason of topography or floodplain contains some areas unsuitable for development, and to permit the cluster of lots in order to leave the unsuitable land as permanent open space. Requires access to arterial or collector roadways.
- b. **R-2 PUD** - The purpose of a Medium Density Residential, R-2 PUD is the same as the R-1 PUD, except that the R-2 PUD permits increased density, a variety of housing types, limited commercial activity, and requires access to arterial or collector roadways.

2. Minimum Size - The minimum number of acres required for each PUD type is as follows:

- a) R-1 PUD 10 Acres
- b) R-2 PUD 3 Acres

3. Permitted Activities in a Residential PUD - The following activities listed in Table I, may be permitted in a Residential PUD only when deemed appropriate by the Planning Commission and the County Commission as approved with the Preliminary Master Plan. Other activities not listed are prohibited.

4. Limitation on Commercial Activities - The commercial activities permitted in Table I, shall be limited to no more than five (5) percent of the total gross area within such development and provided further that the maximum floor area for any single establishment shall be five thousand (5,000) square feet. Such commercial activities shall be designed to serve primarily the residents within the PUD and shall not be constructed until at least one-half (1/2) of the residential units are complete unless other phasing has been approved as part of a preliminary master plan. In addition to the aforementioned limitations, the commercial structure shall normally be located within the perimeter of the PUD.

5. R-1, Low Density Residential Planned Unit Development

- a. Density, Bulk and Open Space Regulations for Single Family Detached Dwelling Units

Minimum Lot Size None

Maximum Density 3 Dwelling Units per Acre

Density bonuses shall be given as follows:

- (1) Dedication of land for school, library, fire station, or similar public use, if so approved by the County Commission, will be counted as ten (10) percent.
- (2) Alternatively, on developments with less than twenty-five (25) acres, the actual area of the land to be dedicated may be used as bonus density, if so approved by the County Commission.
- (3) Areas in road right of ways are not included in calculating the number of dwelling units. When calculations are made as to the number of permitted dwelling units, the number of units may be rounded up provided that at least .5 of a unit is calculated. Areas dedicated for schools, fire stations, etc., are also excluded but do receive a density bonus.

- (4) The remaining area shall be left as common open space and used for designated purposes as approved in the Preliminary and Final Master Plan. The minimum required ratio of dedicated common open space should be in terms of the maximum density of the planned unit development and based on five (5) percent of the total acreage less that dedicated to the County.

TABLE I
PERMITTED USES AND STRUCTURES
RESIDENTIAL PLANNED UNIT DEVELOPMENT

<u>RESIDENTIAL ACTIVITIES</u>		<u>DISTRICTS</u>	
<u>Permanent Residential</u>		<u>R-1 PUD</u>	<u>R-2 PUD</u>
	Dwelling Attached	P	P
	Dwelling One-Family Detached	P	P
	Dwelling Two-Family Detached	N	P
	Dwelling Semi-Detached	P	P
	Dwelling Mobile Home	N	N
	Dwelling Multi-Family	N	P
	Boarding House	N	N
	Rooming House	N	N
<u>Community Facilities Activities</u>	Parks and Playgrounds	P	P
	Recreation Centers	P	P
	Public or private Swimming Pools	P	P
	Schools Grades K to 12 - Public and Private	P	P
	Retirement and Nursing Homes	N	P
	Churches and Other Religious Assembly ..	P	P
<u>Commercial Activities</u>	Convenience Stores	N	P
	Convenience Services	N	P
	Country Club	P	P
	Day Care Centers	N	P
	Group Childcare Home	P	P
	Health Care Facilities Designed Primarily to Serve Residents of the PUD	N	P

KEY TO INTERPRETING USES

P - Permitted Use.

N - Not Permitted in the District.

b. Yards

For detached or semi-detached structures, the following setbacks are required:

Minimum Front Yard	20 feet
Minimum Side Yard	8 feet
Minimum Rear Yard	10 feet

These yards are to be measured to the property lot lines. If the ownership between structures is dedicated open space the yard provisions may be waved provided, they were so shown on the Preliminary and Final Master Plans and that all provisions of the building and fire code are satisfied.

6. R-2, Medium Density Residential Planned Unit Development

a. Density, Bulk and Open Space Regulations

Minimum Lot Size	None
Maximum Density	6 Dwelling Units per Acre

Density bonuses shall be given as follows:

- (1) Dedication of land for school, library, fire station, or similar public use, if so approved by the County Commission, is considered to be ten (10) percent. Alternately on developments with less than twenty-five (25) acres the actual area of the land to be dedicated may be used as bonus density, if so approved by the County Commission.
- (2) Areas in road right of ways are not included in calculating the number of dwelling units. When calculations are made as to the number of permitted dwelling units, the number of units may be rounded up provided that at least .5 of a unit is calculated. Areas dedicated for schools, fire stations, etc., are also excluded but do receive a density bonus.

- (3) The remaining area shall be left as common open space and used for designated purposes as approved in the Preliminary and Final Master Plan. The minimum required ratio of dedicated common open space should be in terms of the maximum density of the planned unit development and based on five (5) percent of the total acreage less that dedicated to the County.

b. Yards

For detached or semi-detached structures, the following setbacks are required:

Minimum Front Yard	20 Feet
Minimum Side Yard	8 Feet
Minimum Rear Yard	10 Feet

These yards are to be measured to the property lot lines. If the ownership between structures is dedicated open space the yard provisions may be waved provided, they were so shown on the Preliminary and Final Master Plans and that all provisions of the building and fire code are satisfied.

D. Development Standards Applicable to All Residential Planned Unit Developments

1. **Perimeter Requirements** - Along the perimeter of the Planned Unit Development, buildings shall be designed to harmonize in scale, setbacks, and mass with existing adjacent areas. A minimum setback of forty (40) feet shall be required around the perimeter of all residential planned unit developments. Perimeter landscaping shall also be required when deemed necessary to minimize the impact of the PUD on adjacent property.
2. **Pedestrian Circulation** - All PUD's shall be designed so as to allow safe pedestrian circulation between dwelling units as well as to provide access to improved open space or other amenities. Sidewalks shall be located on at least one side of

any proposed street or common drive area. Sidewalks should normally be separated from the road surface by at least five (5) feet and may be buffered from the street by trees or other vegetation. Sidewalks shall be at least five (5) feet wide and built at reasonable slopes and grades.

3. **Open Space Requirements** - No open area may be accepted as common open space under the provisions of this section unless the location, shape, size and character of the common open space is appropriate to the scale and character of the development considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation, steep slopes, or floodplains may be left unimproved.

If the master plan provides for buildings, structures, and/or improvements in the common open space then the developer shall provide surety of sufficient value to ensure that the buildings, structures, and improvements will be completed. The Planning Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.

A golf course may be used as open space provided that additional improved open space is provided appropriate to the needs of the residents of the development. Areas for walking trails may be used provided they are in addition to required sidewalks.

4. **Arrangement** - Lots along existing County roads shall be arranged so as to either be screened from or front the existing road. Driveways shall normally access only roads within the development. Connections to existing collector or arterial roads shall be kept to a minimum.

5. **Landscaping Requirements** - Each PUD shall be attractively landscaped, and the proposed landscaping shall be included in the preliminary master plan. Areas to be landscaped include the perimeter of the development, parking lots, waste-containers, utility structures such as pumping stations or electrical substations, and multi-family structures.
6. **Parking and Storage** - Storage areas shall be enclosed or concealed by berms and/or buffers. Parking lots shall be landscaped.
7. **Signs** - The location and design of all signs shall be shown as a separate element of the preliminary master plan.
8. **Access** - Planned Unit Developments with more than twenty-five (25) units must have two (2) or more points of ingress/egress. PUD's with between fifteen (15) and twenty-four (24) units may use two (2) ingress/egress points or a single boulevard road with either a median or a third lane. The minimum right of way for a boulevard shall be sixty (60) feet.
9. **Street Improvements** - All streets, public or private, shall be constructed to the road specifications contained in the Bedford County Subdivision Regulations with the following exceptions:
 - a. The right of way may be reduced where curb and gutter streets are used.
 - b. Traffic calming methods are permitted and encouraged.
 - c. Alleys are permitted.
 - d. Landscaping of the center of cul-de-sac turnarounds is permitted and encouraged.
 - e. Roundabouts, where feasible, are encouraged.
 - f. Tree lined boulevards are encouraged.

10. **Utilities** - The development shall be serviced with public sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. Fire hydrants shall be installed to be within five hundred (500) feet of any lots designated for detached dwellings. However, a fire hydrant must be placed within two hundred-fifty (250) feet of any dwelling unit part of an attached structure or multi-family building.
11. **Waste Disposal** - If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

E. Development Standards for Multi-Family Projects

- a. The spacing of all buildings contained in multi-family dwellings shall be in compliance with the current building codes adopted by Bedford County.
- b. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- c. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.
- d. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and the screen out objectionable features. The planting plan shall be submitted with the preliminary master plan.
- e. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

- f. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- g. Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h. Access and circulation shall adequately provide for fire-fighting equipment, service deliveries, and moving vans and refuse collection.
- i. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least, one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200') feet from the nearest entrance of the dwelling unit the space is to serve.

F. Development Standards for Attached Dwellings

- a. No attached dwelling shall exceed three (3) stories in height.
- b. Parking for attached dwellings may be constructed with two (2) off-street parking space required and the other required space constructed in bays either adjacent to the streets or in the interior of blocks. Such spaces shall be located within two hundred (200') feet of each unit to be served. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls.
- c. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- d. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets,

driveways, parking courts or garages and for convenient circulation and access to all facilities.

G. Administrative Procedures Applicable to Planned Unit Development

a. General Provisions

a. Master Plan Required

No application for a Planned Unit Development (PUD) District shall be considered unless a master plan meeting the requirements outlined in Article IV, Section 4.045 (B)(G)(2), is submitted therewith. Such application shall indicate that the services of one (1) or more design professionals were utilized in the preparation of the plan.

b. Ownership and Division of Land

No tract of land may be considered for or approved as a planned unit development unless such tract is under single ownership. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an adopted PUD may divide and transfer parts of such development. The transferee shall complete each such unit and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the Planning Commission.

c. Relationship to Subdivision Regulations

The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-ways, curbs, and other standards may be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission. Modifications may be

incorporated only with the approval of the Planning Commission as a part of its review of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision, which must be concurrent with the final approval, by the Planning Commission of the master plan.

d. Combination of Separate Types of Planned Unit Developments (PUD's)

The Planning Commission and the County Commission may consider separate types of Planned Unit Developments, such as residential and commercial within a consolidated Master Plan as a single administrative procedure provided that the total tract is in single ownership by a landowner and the land area is sufficient to comply with the separate type requirements combined.

e. Development Period, Staging Schedule - The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

Within two (2) years after the date of approval, actual construction shall have commenced in such development. In the event that construction has not been started, the Planning Commission shall conduct a hearing on the project and review the feasibility of the PUD and may act to cancel or extend approval of the master plan depending upon the circumstances of each case.

The Planning Commission may permit the development to be constructed in stages so that completion is achieved in a logical manner. Each stage shall be planned and related to existing surroundings and available facilities and services, so that failure to proceed to the subsequent stages will not have an adverse impact on the planned unit development or its surroundings, at any stage of the development.

f. Common Open Space and Facilities

Any common space or public or private facilities shall be subject to the following provisions:

- (1) The location, shape, site, and character of the common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.
- (2) Common open space must be suitable for its intended uses but common open space containing natural features worthy of preservation may be left unimproved.
- (3) The Planning Commission shall require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication be approved by the Planning Commission. However, the conditions of any transfer shall conform to the adopted final master plan.
- (4) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the codes director may serve written notice upon

such organization and/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the codes director may call upon any public or private agency to maintain the common open space for a period of one (1) year. When the codes director determines that the organization is not prepared for the maintenance for the common open space such agency shall continue maintenance for yearly periods.

- (5) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a lien on said properties.

(6) When the common open space is deeded to a Homeowners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:

- (a) The Homeowners' Association shall be formed prior to the final plat approval of any phase of the development.
- (b) Membership must be mandatory for each homebuyer and any successive buyer.
- (c) The open space restrictions must be permanent, not just for a period of years.
- (d) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational, open space and other facilities.

- (e) Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property.
 - (f) The association must be able to adjust the assessment to meet changing needs.
- (7) A recreation plan shall be developed and presented with the Preliminary Master Development Plan for any proposed residential planned unit development. This plan shall indicate the general demographic characteristics of the anticipated market being targeted by the proposed development. The plan shall indicate the recreation facilities proposed and the age groups these facilities are designed to serve, as well as provide the number and detailed specifications of each type of recreational equipment and facility proposed.

The size of each type of recreational facility, or type of recreational equipment shall be directly related to the age and number of the anticipated user population. These facilities may be devoted to either:

- (a) Shared limited use facilities designed so as to assure privacy and control of access by and for the exclusive use of a specific residential clientele within the development; or
- (b) Shared general use recreation facilities which are available to all residents of the proposed development. All recreational equipment provided should be durable commercial grade equipment.

A minimum of five (5) percent of the net area of every residential PUD shall be devoted to

improved and developed recreational open space.

H. Administrative Procedure for Review and Approval for All Planned Unit Developments

The provisions of this section govern the procedure for review and approval for all planned unit developments as provided herein. Any landowner or developer, as defined, may apply for a PUD zoning in any area subject to these provisions, and the County Commission may, within its legislative power, impose PUD zoning upon any land area, and after such action, the landowner shall follow the remaining procedures before any zoning permits can be issued and the land developed.

1. Steps of Approval Process

- a. The applicant may request a pre-application conference with planning staff to evaluate the proposal and to determine and clarify any issues that may arise.
- b. Applicants may, at their discretion, submit a sketch preliminary master plan so as to receive feedback from the Planning Commission and/or the County Commission before proceeding with the additional cost of preparing a more detailed preliminary master plan.
- c. The applicant shall submit a preliminary master plan and rezoning request to the Planning Commission for their consideration along with the required fees.
- d. The Planning Commission may recommend approval or disapproval of a developer's request. If approved, the Planning Commission shall recommend the necessary PUD zoning to the County Commission.
- e. After approval of the preliminary master plan and amendment of the zoning map, preparation of the final master plan may begin. The preliminary master plan shall be filed by the developer with the Bedford County

Registrar of Deeds prior to the application of the final master plan.

- f. The applicant shall submit a final master plan to the Planning Commission for their consideration. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD.
- g. Prior to the sale or transfer of any property, the applicant shall submit and have approved a final subdivision plat.

2. Application for Approval of the Preliminary Master Plan and Zoning Request

Application for approval of the preliminary master plan shall be made by the landowner of the affected property or his authorized agent, to the Planning Commission in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall consist of the following:

- a. The preliminary master plan for the proposed planned unit development shall be a general concept plan which may include such items as the Planning Commission by general rule which may include, but is not limited to the following items:
 - (1) The location and size of the area involved.
 - (2) Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas.
 - (3) Location and approximate dimensions of structures including approximate height and

bulk, and the utilization of structures including activities and the number of living units.

- (4) Estimated population and density and extent of activities to be allocated to parts of the project.
- (5) Reservations for public uses including schools, parks and other open spaces.
- (6) Availability commitments from the appropriate water and sewer provider.
- (7) Major landscaping features, including topography.
- (8) The general means of the disposition of sanitary wastes and storm water.
- (9) North arrow, graphic scale, and location map showing relationship to existing street system and adjoining properties.
- (10) Specify the various uses of structures within the RPUD, for example the percentage of structures that are residential and the percentage of structures that are nonresidential.
- (11) Elevations, as necessary.
- (12) Location of gas, water, sewerage, and drainage facilities.
- (13) Details and locations of signs.
- (14) Plans for street and parking lot improvements.
- (15) Location and use of all common open space area.
- (16) Approximation of proposed topography.

- (17) Additional information as determined by the Planning Commission to indicate fully the ultimate operation and appearance of the PUD.
- b. A tabulation of the land area to be devoted to various uses and activities and overall densities.
 - c. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
 - d. The substance of covenants, grants of easements, deed restrictions, or other restrictions to be imposed upon the use of the land, buildings, and structures to include total square footage, building materials, architectural drawings, and proposed easements for public utilities.
 - e. A development schedule, setting forth when the landowner intends to commence construction and an estimated completion period.
 - f. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.
 - g. A filing and review fee in an amount determined according to the standard fee schedule as approved by the County Commission.
 - h. A general summary explaining the character, intent, and financing of the PUD. If the application is incomplete, the Planning Commission shall hold in abeyance their formal review until such time as complete information is submitted.

3. Application for Approval of the Final Master Plan

The action of the County Commission on the zoning request and the preliminary master plan shall authorize and form the basis for the Planning Commission approval of a final master plan.

4. Application for Final Approval

After zoning a Planned Unit Development District, the landowner may make application to the Planning Commission for approval of a final master development plan, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the County Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bonds as were set forth by the Planning Commission's preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a non-profit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.

5. Final Approval of Stages

The application for final approval and the final approval by the Planning Commission may be limited to each stage as appropriate in a large, planned unit development.

6. Final Master Development Plan

The final master plan of a planned unit development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master plan.

I. Amendments to the PUD

The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the Planning Commission if requested to do so by the Developer of the property. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following.

The developer of the PUD may apply to the Planning Commission for an amendment to the master plan. The Planning Commission may approve such amendment so long as the original intent is not abrogated, and the change does not in any way damage any part of the PUD or any adjoining properties. Minor changes in the location, arrangement, sitting, and height of buildings may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval.

Major changes differing from the Preliminary Master Plan must be submitted to both the Planning Commission and County Commission. Major changes include any increase in the number of dwelling units, substantial alteration of the type of structures and/or their location, a reduction in open space of more than five (5) percent of that proposed, substantial changes in the improvement of open space, additional commercial area or structures, or any other change that in the opinion of the Planning Commission prevents the development from being in substantial compliance with the approved preliminary master development plan.

J. Cancellation of an Adopted Planned Unit Development

In the event that actual construction has not begun within two (2) years from and after the date of the ordinance adopting or amending a plan unit development the Planning Commission may, after an official meeting with notice to the landowner, act to cancel the approved master plan or at any time upon the petition of the landowner.

K. Building Permits

A building permit shall be issued for structures, buildings, activities, or uses as a part of a finally adopted planned unit

development only in strict compliance with the master development plan of the particular planned unit development including the conditions of approval and only after the administrative procedure outlined in this section has been strictly adhered to. No building permit shall be issued for the area included in a preliminary planned unit development until a final master development plan has been approved.

4.046. C-1, RURAL CENTER DISTRICT

A. District Description

The C-1, Rural Center District, recognizes the need to provide for areas within Bedford County where residents of the more isolated agricultural and rural residential districts and residents located beyond the limits of service can receive certain merchandising, technical or professional services. In Bedford County, several small rural centers exist, primarily to provide such convenience goods and services to residents of the surrounding areas. These centers serve a necessary economic function, and the mixed land uses that characterize these centers are not particularly detrimental.

This district is intended to be a flexible zone, which is necessary in a rural center. It is designed to allow for change and growth within these areas, but also prevents this mixture of land uses from unnecessarily spreading into the adjacent countryside. This district and its principle ingresses and egresses shall be allowed only on roadways classified as either a collector or arterial as shown on the Major Thoroughfare Plan of Bedford County. The following regulations shall apply in the C-1, Rural Center District, as defined on the Zoning Map of Bedford County, Tennessee.

B. Uses Permitted

In the C-1, Rural Center District, the following uses, and their accessory uses are permitted:

1. Detached single-family dwellings.
2. Agriculturally oriented commercial.
3. Government or publicly owned (cooperatives) utility facilities necessary for the provision of essential public services, such as wired electric, water, sewer, natural gas, etc., including privately owned essential and non-essential public services (e.g., cable, telephone, etc.) if located within a dedicated road easement or existing right-of-way.
4. Churches and other places of religious assembly.

5. Governmental services.
6. Community centers.
7. Commercial Kitchens
8. Professional Offices.
9. Commercial amusement establishments.
10. Convenience Commercial (not including fast food establishments unless an integral part of a convenience service station).
11. Individual detached retail stores, boarding homes and strip malls (see Article III, Section 3.350);
12. Service stations and automobile repair establishments, subject to the provisions of Article III, Section 3.160.
13. Warehouses or storage facilities, except those facilities for storing petroleum or other potentially hazardous materials (see Article III, Section 3.290).
14. Customary incidental home occupations as regulated in Article III, Section 3.090.

C. Uses Permitted as Special Exceptions

In the C-1, Rural Center District, the following uses, and their accessory uses may be permitted as special exceptions after review and approval in accordance with *Article VIII, Section 8.080*.

1. Livestock sales centers and feed lots necessary for their operation;
2. Travel trailer (RV) parks (as regulated in Article III, Section(s) 3.170);
3. Kennels;

4. Veterinarian clinics, veterinarian hospitals;
5. Funeral parlors;
6. Gift and bric-a-brac shops (Flea Markets) as regulated in Article III, Section 3.150;
7. Cemeteries, as accessories to churches;
8. Educational Institutions and Educational Services;
9. Bed and Breakfast & Short Term (Air B&B) Rentals as regulated in Article III, Section 3.050;
10. Homeless shelters (as regulated in Article III, Section 3.210);
11. Family Childcare and Group Childcare Homes (as regulated in Article III, Section 3.190);
12. Childcare Centers (as regulated in Article III, Section(s) 3.100 and 3.190);
13. Wedding Facilities (as regulated in Article III, Section 3.420);
14. Campgrounds (as regulated in Article III, Section(s) 3.080 & 3.170);
15. Outdoor Gun Ranges as regulated in Article III, Section 3.140;
16. Small Batch Distillery and other similar Light industrial uses not specifically listed (Article III, Sections 3.270 & 3.250);
17. Type I & II Customary Incidental Home Occupations, as regulated in Article III, Section 3.090.
18. Intentionally Left Blank

D. Uses Prohibited

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

E. Dimensional Regulations

All uses permitted in the C-1, Rural Center District, shall comply with the following requirements, except as provided in Article III.

1. **Front Yard** - The minimum depth of the front yard for (a) residential uses – one hundred (100) feet; (b) nonresidential uses – one hundred (100) feet. When a proposed subdivision lot contains its approved soils area at its front, the front setback will be moved beyond the soils area.
2. **Rear Yard** - The minimum depth of the rear yard for (a) residential uses – forty (40) feet; (b) nonresidential uses – thirty (30) feet.
3. **Side Yard** - The minimum width of the side yard for (a) residential uses – thirty (30) feet for single story structures, plus five (5) additional feet for an additional story; (b) nonresidential uses – twenty-five (25) feet for single story structures, plus ten (10) additional feet for each additional story.
4. **Land Area** - The following land area will be required in the C-1, Rural Center District:
 - a. **Residential** - No lot or parcel of land shall be reduced in size to provide separate lots, for single-family dwellings, of less than one acre (43,560 sq. ft.) where only public water is available. Where public water and public sewerage services are available, thirty-five thousand (35,000) square feet shall be the minimum residential lot size. Where no public water is available, residential lots shall be a minimum of two (2) acres in area and the proposed sewage disposal system must be approved by the Bedford County Environmentalist.

- b. **Commercial** - No lot or parcel of land shall be reduced in size to produce separate lots, for commercial uses, of less than thirty thousand (30,000) square feet where public water is available. Where no public water is available commercial lots shall be a minimum of one (1) acre in area and the proposed sewage disposal system must be approved by the Bedford County Environmentalist.
- c. **Manufacturing** - No lot or parcel of land shall be reduced in size to provide separate lots for manufacturing uses of less than five (5) acres in area where public water is available and where the method of sewage disposal has been approved by the Bedford County Environmentalist. Where no public water is available, manufacturing uses shall not be permitted in the C-1, Rural Center District.

However, where there is an existing lot of record of less than the minimum land areas outlined above, at the time of adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling, providing said lot is not less than fifteen thousand (15,000) square feet where a public water supply is available and twenty-two thousand (22,000) square feet where a public water supply is not available and provided it meets all the requirements of the Bedford County Environmentalist.

- 5. **Maximum Lot Coverage** - On any lot or parcel of land the area occupied by all buildings including accessory buildings, shall not exceed forty (40) percent of the total area of such lot or parcel.
- 6. **Lot Width** - No lot shall be less than one hundred (100) feet wide at the building setback line.
- 7. **Height Requirement** - No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.
- 8. **Parking Space Requirements** - As regulated in Article II, Section 2.200.

9. **Loading and Unloading Requirements** - As regulated in Article II, Section 2.200.

4.047. C-2, GENERAL COMMERCIAL DISTRICT

A. District Description

The C-2, General Commercial District, is established to provide areas in which the principal use of land is devoted to general and highway commercial activities along roadways classified as arterials as shown on the Major Thoroughfare Plan of Bedford County. These commercial uses are generally considered more appropriate in areas abutting or very near any of Bedford County's corporate municipal boundaries and are only allowed in these type areas or where other existing commercial or higher classification zoned parcels now exist. Regulations are designed to preserve the traffic-carrying capacity of the streets and roadways in Bedford County and to provide for necessary off-street parking and loading. Ingress and egress to/from the site shall occur only from a roadway classified as Arterial as shown on the *Mayor Thoroughfare Map of Bedford County Tennessee*. The following regulations shall apply in the C-2, General Commercial District, as defined on the Zoning Map of Bedford County, Tennessee.

B. Uses Permitted

In the C-2, General Commercial District, the following uses and their accessory uses are permitted:

a. Wholesale Trade

1. Motor vehicles and automotive equipment;
2. Drugs, chemicals and allied products;
3. Dry goods and apparel;
4. Groceries and related products;
5. Farm products;

- 6. Electrical goods;
- 7. Hardware, plumbing, heating equipment and supplies;
- 8. Machinery, equipment, and supplies;
- 9. Warehousing facilities;
- b. Retail Trade
 - 1. Building materials, hardware, and farm equipment;
 - 2. General merchandise;
 - 3. Food, Cooking, Commercial Kitchen;
 - 4. Electrical goods;
 - 5. Automotive, marine craft, aircraft, and accessories;
 - 6. Apparel and accessories;
 - 7. Furniture, home furnishings and equipment;
 - 8. Eating and drinking;
 - 9. Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice;
- c. Hotels, motels and tourist courts;
- d. Churches, mortuaries, and places of religious assembly;
- e. Professional Offices & Office Parks;
- f. Medical Facilities (see Article III, Section 3.200);
- g. Commercial recreation uses;

- h. Signs and billboards as regulated in Article III, Section 3.360;
- i. Convenience Commercial;
- j. Personal services;
- k. Business services;
- l. Repair services;
- m. Contract construction services;
- n. Governmental services;
- o. Educational services;
- p. Transportation, communication; government and public-owned (Cooperatives) utilities necessary for the provision of essential public services, such as wired electric, water, sewer, natural gas, etc., including privately owned essential and non-essential public services (e.g., cable, telephone, etc.) if located within a dedicated road easement or existing right-of-way, *except* airports and solid waste disposal;
- q. Indoor Firearms training facilities and related activities that meet the following conditions:
 - 1. The development, operation and maintenance of indoor ranges and firearm training facilities shall be in conformance with the most current Range Manual as published by the National Rifle Association (NRA.)
 - 2. All indoor ranges must provide for Occupational Safety and Health Administration (OSHA.) Compliance measures and EPA approved ventilation system.
 - 3. A site plan shall be required pursuant to the site plan requirements listed in Article II, Section 2.080 of this Resolution.

4. The owner/developer shall provide a minimum of two (2) parking spaces per firing point or firing lane, plus one (1) additional space for each employee.
 5. Any proposed signage shall be required to comply with the provisions in Article III, Section 3.360.
 6. The owner of the facility shall provide, on premises, documentation that all State and Federal Regulations have been met in addition to a blanket liability insurance coverage in an amount no less than two (2) million dollars.
- r. Planned shopping centers (see Art. III, Sec. 3.350);
 - s. Day care centers and Group Childcare Centers (see Definition);
 - t. Essential and secondary utilities; and
 - u. Gasoline service stations subject to the provisions of Article III, Section 3.160.

C. Uses Permitted as Special Exceptions

In the C-2, General Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the BZA in accordance with Article VIII, Section 8.080.

- a. Kennels;
- b. Veterinarian clinics, veterinarian hospitals;
- c. Private Educational Institutions and Educational Services (See Article III, Section 3.070);
- d. Travel Trailer Parks, Tiny Home Parks and Overnight Campgrounds (see Art. III, Section(s) 3.300 and 3.310);
- e. Outdoor Firing Ranges as regulated by Article III, Section 3.140;

- f. Cemeteries, as accessories to churches; and
- g. Recycling Center.
- h. Intentionally Left Blank.

D. Uses Prohibited

In the C-2, General Commercial District, all uses, except uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations

All uses in the C-2, General Commercial District, shall comply with the following requirements, except as provided in Article III.

1. **Front Yard** - The minimum depth of the front yard shall be one hundred (100) feet. When a proposed subdivision lot contains its approved soils area at its front, the front setback will be moved beyond the soils area.
2. **Rear Yard** - The minimum depth of the rear yard shall be twenty-five (25) feet, except where vehicular access will be provided to the rear of the lot, in which case a minimum rear setback of thirty (30) feet shall be required.
3. **Side Yard** - The minimum side yard requirement shall be twenty-five (25) feet where vehicular access is available to the rear of the lot. Where no such access is available or desired, a side yard of twenty (20) feet shall be permitted. On lots adjacent to an agriculture, residential or rural center district, all structures shall be so located as to comply with the side yard requirement of the adjacent district on the side adjoining said district. Commercial buildings may be built on a common lot line (zero lot line) provided that there is a mutual written consent of the owners of the buildings and land directly involved and the adjacent walls of the buildings

have a fire-resistant rating as required by currently adopted building codes.

4. **Land Area** - No minimum land area shall be required in the C-2, General Commercial District, where public water and sanitary sewer service is available. Where only public water is available, there shall be a minimum land area of thirty thousand (30,000) square feet, except that lots of record smaller than the required minimum, at the time of adoption of this resolution, may be utilized, provided that said lot of record is not smaller than fifteen thousand (15,000) square feet, and also provided that the required subsurface disposal system serving such lot is approved by the Bedford County Environmentalist. Where no public water or sewer service is available, there shall be a minimum land area of three (3) acres.

More than one (1) building shall be permitted on a single lot in the case of a shopping center, provided that all applicable area and space requirements have been complied with and further provided that such buildings share a common fire-resistant wall as required by the currently adopted building codes.

5. **Maximum Lot Coverage** - No maximum lot coverage shall be imposed in the C-2, General Commercial District.
6. **Lot Width** - No lot shall be less than one hundred (100) feet wide at the front building setback line.
7. **Height Requirement** - No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.
8. **Parking Space Requirement** - As regulated in Article II, Section 2.200.
9. **Loading and Unloading Requirement** - As regulated in Article II, Section 2.200.

4.048. O-P, OFFICE PROFESSIONAL COMMERCIAL DISTRICT

A. District Description

The O-P, Office Professional Commercial District, is designed to provide for low intensity office development and compatible commercial uses such as small retail and business service uses with a minimum of objectionable characteristics in appropriate locations. This district may be used as a transitional zone between residential and intense commercial areas. Permitted uses are those which tend to attract small numbers of people and generate lower volumes of traffic. Less building bulk is permitted, and more open space is required.

B. Uses Permitted

In the O-P, Office Professional Commercial District, the following uses, and their accessory uses are permitted:

1. Attached single-family dwelling;
2. Administrative Services and Office Parks;
3. Professional Services;
4. Combined Mechanical & Corporate facility when abutting an airstrip;
5. Technical & Industrial Maintenance Services;
6. Architectural, Drafting & Surveying Services;
7. Community Assembly – Small (See Article III, Section 3.060);
8. Private Education (See Article III, Section 3.070);
9. Essential utilities and services;

10. Personal and Group Care Facilities (See Article III, Section 3.190);
11. Animal and Veterinarian Services;
12. Animal Hospital;
13. Consumer Repair Services;
14. Financial, Consultative & Administrative Services;
15. General Personal Services;
16. General Retail Trade (5000 sq. ft. or less) (See Article III, Section 3.350);
17. Medical Services (See Article III, Section 3.200);
18. Undertaking Services;

C. Permitted Accessory Uses

In addition to the principal permitted uses, each activity type may include accessory activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity located on the same zone lot. These include, but are not necessarily limited to the following:

- A. Off-street parking and loading serving a principal activity;
- B. Childcare for pre-teenage children when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees. The facility shall be located on the same zone lot as the principal activity and meet all applicable state and local regulations for a day care center for children;
- C. Residential occupancy in connection with a principal nonresidential activity on the same zone lot, but only if:

1. No more than one (1) attached dwelling or rooming unit is permitted – no detached residential units;
 2. The unit is occupied by person(s) employed or have at least five (5%) percent ownership in the principal nonresidential activity located upon the zone lot; and
 3. The nonresidential activity does not constitute a hazardous occupancy.
- D. Operation of a cafeteria or a gift shop for employees, residents, patrons, or others participating in the principal activity on the same zone lot. Where the principal activity is permitted by special exception only, an accessory cafeteria and gift shop must be approved as a part of the action granting said permit;
- E. Operation of an administrative office or a firm engaged in a principal manufacturing or commercial activity on the same zone lot;
- F. Signs permitted in accordance with Article III, Section 3.360;
- G. Temporary tents or similar structures used for sales or promotions authorized by the Zoning Compliance Officer through the issuance of a temporary permit for a specified period of time not to exceed two (2) weeks, no more than four (4) times within a year;
- H. Recycling drop off centers;
- I. Operation of a playground, playfield, or other recreational facility including but not limited to clubhouses, pools, and tennis courts for employees, members, residents, patrons, or others participating in the principal activity of the same zone lot.

D. Uses Permitted as Special Exceptions

In the O-P, Office Professional Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the BZA in accordance with Article VIII, Section 8.080.

1. Rooming & Boarding House;
2. Dormitories & Fraternity/Sorority House;
3. Community Assembly – Medium (See Article III, Section 3.060);
4. Institutional Care Facility (See Article III, Section(s) 3.190 and 3.200);
5. Minimal Impact Industrial (See Article III, Section 3.250);
6. Indoor Entertainment & Amusement Services (See Article III, Section(s) 3.170 & 3.180);
7. Outdoor Entertainment & Amusement Services (See Article III, Section(s) 3.170; 3.180; and, 3.080);
8. Drive-Thru Food Service/Drive-In;
9. Machining/Tool & Die Facility.

E. Uses Prohibited

In the O-P, Office Professional Commercial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

F. Special Requirements

The regulations appearing below apply to zone lots and buildings or other structures located on any zone lot or portion of a zone lot including all new development, enlargements, extensions, or conversions.

1. **Minimum Lot Area**: The minimum lot area for the O-P zoning district is twenty-five thousand (25,000) square feet.
2. **Minimum Lot Width**: The minimum lot width for the O-P zoning district is one hundred (100) feet.
3. **Minimum Setbacks**:

Front Setback: 75 feet
Rear Setback: 20 feet
Side Setback: 15 feet
4. **Maximum Height**: The maximum height of structures for a lot zoned O-P is forty-five (45) feet.
5. **Maximum Lot Coverage**: The maximum lot coverage for lots zoned O-P is forty (40) percent.
6. **Parking Space Requirement** - As regulated in *Article II, Section 2.200*.
7. **Loading and Unloading Requirements** - As regulated in *Article II, Section 2.200*.
8. **Aesthetics** – All buildings constructed in this district shall be constructed with a façade made up of Brick, Stone, Dryvit/Stucco, or a combination thereof on all four (4) sides of the structure. Roofs in this section shall be gabled on at least three (3) sides with a minimum roof pitch of 8:12.
9. **Landscaping & Buffering** – See *Article II, Section 2.090*.

G. **Exterior Storage**

Within the O-P zoning district, exterior storage of goods, materials, or other property is permitted only in the rear of the principal building unless otherwise shown and approved as part of a site plan review. Waste disposal receptacles shall be located in the rear of the principal building within an enclosure that is constructed of

materials similar to the principal building. Such enclosure shall be screened from public view (see fence regulations Article II, Section 2.170). Approved storage facilities shall be permanent structures; no trailers (enclosed or otherwise) shall be used for storage.

H. Exterior Display

1. Within the O-P district, exterior display is permitted, provided that no portion of the display may be within required landscaped areas or buffer yards as determined by Article II, Section 2.090 of this Resolution or within any required parking area as determined by Article II, Section 2.200 of this Resolution;
2. Display areas shall be maintained in an organized fashion shall not include goods, items or other property not normally for sale at the place of business;
3. The goods, materials or other property offered for sale in an exterior display area must be of such a nature that they are not typically located within a permanent building or structure, such as vehicles, trailers, farming equipment, and landscaping supplies; Goods, merchandise or products that are typically located within a permanent building or structure, such as (but not limited to) clothing and other household goods, shall not be offered for sale in an outdoor display area, with the exception of flea markets, which shall be allowed such a display during business hours only.
4. All exterior display areas shall be constructed of compacted soil, gravel or other asphaltic or concrete surfaces as approved as part of a site plan review and graded to prevent ponding of water.

I. Fire Protection

Within the O-P zoning district, fire protection shall be provided consistent with the requirements of the adopted fire code of Bedford County. The requirements of this subsection shall not

apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection. Fire Hydrants shall be required of each new development in this district unless another fire hydrant pre-exists on the same road within five hundred (500) feet from the intersection of either side/front lot line.

J. Utilities

All utility service connections to the extent possible shall be underground.

4.049. **M-1, GENERAL INDUSTRIAL DISTRICT**

A. District Description

The M-1, General Industrial District, is intended to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials, and warehousing or storage. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes. This district shall only be allowed along roadways classified as an Arterial as shown on the Major Thoroughfare Plan of Bedford County or within the boundaries of a platted industrial park. Ingress and egress to the site shall occur only from a roadway classified as Arterial as shown on the Major Thoroughfare Map of Bedford County Tennessee. The following regulations shall apply in the M-1, General Industrial District, as defined on the Zoning Map of Bedford County, Tennessee.

B. Uses Permitted

In the M-1, General Industrial District, the following uses, and their accessory uses are permitted:

1. Food and kindred products manufacturing, except meat products (See Article III, Section 3.240).
2. Churches and other places of religious assembly.
3. Textile Mill products manufacturing **except** dyeing and finishing of textiles (See Article III, Section 3.250).
4. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
5. Lumber and wood products manufacturing.
6. Furniture and fixtures manufacturing.
7. Stone, clay, and glass products manufacturing.

8. Printing, publishing, and allied industries (See Article III, Section 3.240).
9. Fabricated metal products manufacturing except ordnance and accessories (See Article III, Section 3.250).
10. Professional, scientific, and controlling instruments; photographic and optical goods, watches, and clocks manufacturing.
11. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties, and miscellaneous notions; tobacco manufacturing; motion picture production.
12. Transportation, communication, primary and secondary utilities, excluding airports and solid waste.
13. Office functions only where it is directly related to the industrial establishment in which it is located.
14. Signs and billboards as regulated in Article III, Section 3.360.
15. Breweries, distilleries and distillery storage facilities (See Article III, Section(s) 3.250 and 3.270).
16. All types of wholesale trade.
17. Warehousing facilities (See Article III, Section 3.240).
18. Homeless Shelter (See Article III, Section 3.210).
19. Asphalt Plant.
20. Ready-Mix batch plant (concrete).

C. Uses Permitted as Special Exceptions

In the M-1, General Industrial District, the following uses, and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.080.

1. Any business or service which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the district.
2. Automobile Wrecking salvage, and junkyards, subject to the provisions of Article III, section 3.040.
3. Meat product manufacturing (See Article III, Section 3.250).
4. Dyeing and finishing of textiles (See Article III, Section 3.250).
5. Paper and allied products manufacturing (See Article III, Section 3.250).
6. Chemicals and allied products manufacturing (See Article III, Section 3.250).
7. Petroleum refining and related industries (See Article III, Section 3.250).
8. Rubber and miscellaneous plastic products manufacturing (See Article III, Section 3.250).
9. Primary metal industries (smelting & refining from ore) (See Article III, Section 3.250).
10. Ordnance and accessories manufacturing (See Article III, Section 3.250).
11. Airport.
12. Solid waste disposal, subject to the approval of the Bedford County Environmentalist, the Tennessee Department of

Public Health, and the Bedford County Commission (See Article III, Section 3.220).

13. Adult oriented business establishments (See Article III, Section 3.030).
14. Group childcare homes and day care centers provided that they are for the primary use of the industrial establishment in which they are located (See Article III, Section 3.190).
15. Metals Recycling Facilities (See Article III, Section 3.250).
16. Private utility facilities for the provision of non-essential services such as cellular towers. (See Article III, Section 3.400);

D. Uses Prohibited

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

E. Special Requirements

1. Fire Protection

Within the M-1 zoning district, fire protection shall be provided consistent with the requirements of the adopted fire code of Bedford County. The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection. Fire Hydrants shall be required on all lots zoned M-1 at the time of development.

No use shall be allowed as a special exception for solid waste disposal unless the solid waste is received exclusively from Bedford County residents and/or businesses.

2. Exterior Storage

Within the M-1 zoning district, exterior storage of goods, materials, or other property is permitted only in the rear of the principal building unless otherwise shown and approved as part of a site plan review. Waste disposal receptacles shall be located in the rear of the principal building within an enclosure that is constructed of materials similar to the principal building. Such enclosure shall be screened from public view (see fence regulations Article II, Section 2.170).

F. Bulk, Dimensional Regulations

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

1. **Front Yard** - The minimum depth of the front yard shall be forty (40) feet.
2. **Rear Yard** - The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
3. **Side Yard** - The minimum depth of the side yard shall be thirty (30) feet, except that side yards for industrial lots adjacent to Suburban Residential, rural residential or Rural Center Districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
4. **Land Area** - Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land use shall be permitted in areas where a public water supply is not available, except where the Board of Zoning Appeals has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances the Board may grant written approval of the use and shall not be less than five (5) acres.

5. **Maximum Lot Coverage** - No maximum lot coverage shall be imposed in the M-1, General Industrial District.
6. **Lot Width** - No lot shall be less than one hundred fifty (150) feet wide at the front building setback line.
7. **Height Requirement** - No height limitations shall be imposed in the M-1, General Industrial District, except as provided in Article VI, Section 6.030.
8. **Parking Space Requirement** - As regulated in Article II, Section 2.200.
9. **Loading and Unloading Requirements** - As regulated in Article II, Section 2.200.

4.050. **M-2, SPECIAL IMPACT INDUSTRIAL DISTRICT**

A. District Description

The M-2, Special Impact Industrial District, is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding areas and environments cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design, configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the M-2 Special Impact Industrial District, by weighing public need *for*, and potential benefit to be derived *from*, against the local impacts which it may cause.

The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, and to what extent the public health, safety, and general welfare of the citizens of Bedford County will be affected. This district shall only be allowed in an urban growth boundary (UGB) of a municipality within Bedford County and along a roadway classified as an arterial as shown on the major Thoroughfare Plan of Bedford County or within the boundaries of a platted industrial park. The following regulations shall apply in the M-2, Special Impact Industrial District, as defined on the Zoning Map of Bedford County, Tennessee.

B. Site Location Criteria

1. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will live.
2. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features, regardless of population concentration.

3. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
4. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
5. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
6. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
7. Access to the site will be from a road classified as an arterial on the Major Road Plan for Bedford County.
8. The proposed lot size is sufficient in size, so no danger occurs to the adjoining uses.
9. The proposed site will not be located within a one hundred (100) year floodplain or wetland.

C. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the M-2, Special Impact Industrial District.

1. Preliminary Review

All applications for rezoning to the M-2, Special Impact Industrial Zoning District shall be made by the landowner or his/her authorized agent to the Zoning Director in accordance with the provisions of this section. All applications for rezoning shall be accompanied by:

- a. Preliminary Development Plan to Include the Following Information:

- (1) Letter from the owner detailing the proposed zoning change.
- (2) Location map of the proposed site, including size of the property.
- (3) Site plan and topographic map prepared by at Tennessee licensed engineer at a scale of one-inch equals two hundred feet (1" = 200') and printed on paper with dimensions no smaller than twenty-four (24) inches by thirty-six (36) inches (24"x36").
- (4) Land use evaluation/Environmental Impact Assessment, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
- (5) Highway Assessment/Traffic Impact Study, indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Bedford County Major Road Plan.
- (6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
- (7) A tabulation of the land areas to be devoted to all uses and activities.
- (8) Ability of the site to be able to meet the *Site Location Criteria* in Subsection B., above, along with the *General Requirements*, in Subsection H., and the *Requirements for Specific Uses*, in

Subsection I., below, for the proposed use of the property.

b. Operational Data to Include the Following Information:

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

c. Environmental Assessments to Include the Following Information

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

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the

planning commission shall recommend to the County Commission whether the proposed use should be rezoned to the M-2, Special Impact Industrial District. If the County Commission approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the Regional Planning Commission for their approval.

3. Final Development Plan Review

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

a. Final Development Plan Shall Include the Following

- (1) Final site plan prepared by a Tennessee licensed engineer for the development to include: location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
- (2) Site plan to be prepared at a scale of one inch equals two hundred feet (1"=200') and printed on paper with dimensions no smaller than twenty-four (24) inches by thirty-six (36) inches.
- (3) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5)

percent (contours to be field surveyed or taken from aerial photographs acceptable to the Regional Planning Commission).

- (4) Stages of development of the site and the expected time of completion.
- (5) Copies of all required Federal and State permits the applicant has obtained.
- (6) Final site plan shall be in compliance with Subsection H, I, and J, below for the proposed use of the property.

b. Site and Geological Data

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

D. Uses Permitted

In the M-2, Special Impact Industrial District, the following uses and their accessory uses are permitted:

- 1. Arsenals (See Article III, Section 3.250).
- 2. Churches and places of religious assembly.

3. Atomic Reactors (See Article III, Section 3.240).
4. Signs and billboards as regulated in Article III, Section 3.360.
5. Essential and secondary utilities
6. Explosives Manufacturing and Storage (See Article III, Section 3.250).
7. Fireworks Manufacturing (See Article III, Section 3.250).
8. Hazardous Wastes (See Article III, Section 3.220).
9. Radioactive Wastes (See Article III, Section 3.220).
10. Solid Waste Landfills as regulated by Article III, Section 3.220.
11. Solid Waste Processing and Recycling (See Article III, Section 3.220).
12. Waste Incinerators. Including Hospital & Medical Waste (See Article III, Section 3.220).
13. Lots or yards for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage or secondhand building materials as regulated by Article III, Section 3.040.
14. Petroleum refining and related industries (See Article III, Section 3.250).
15. Mining activities and related services (See Article III, Section 3.280).
16. Surface and subsurface quarrying of natural mineral resources, excluding topsoil (See Article III, Section 3.280).
17. Adult-oriented businesses as regulated by Article III, Section 3.030.

18. Accessory Uses and Structures: Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.

19. Private utility facilities for the provision of non-essential services such as cellular towers – not including Commercial Non-Public Power Generating Facilities (NPU's) unless on the roof of an approved structure. (See Article III, Section 3.400.);

E. Uses Permitted as Special Exceptions

There are no uses permitted as special exceptions in the M-2, Special Impact Industrial District.

F. Uses Prohibited

In the M-2, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

G. General Requirements Applicable to All Uses

1. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
2. Side slopes of excavation and fills in earth; sand or gravel, shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
3. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates

shall be properly maintained until all operations are completed.

4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain or abrogate the riparian rights of any other party to a stream or drain.
5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality, or purity of ground water or wells, or to any property owner.
6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface-grade as shown on the topographic plan filed with the application.
7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.

11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Tennessee Department of Environment and Conservation.

H. **Additional Requirements for Specific Uses**

1. **Incinerators and Atomic Reactors**

- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- b. All organic or combustible materials delivered to the site shall be burned in the incinerator.
- c. All residues resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- d. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper into the incinerator as soon as they are received, but in any case, all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.
- e. All separation or picking of waste materials shall be conducted in an enclosed building only.

- f. A security guard shall be always stationed at the site for whom a suitable shelter or living quarters shall be provided.

2. Manufacturing or Storage of Explosives, Munitions or Fireworks

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

3. Solid Waste Landfills

- a. All areas used for filling operations shall maintain the minimum setback as required by this section.
- b. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
- c. All separation or picking of waste materials shall be conducted in an enclosed building only.
- d. The premises shall be always kept neat and clean, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are

taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.

- e. Entrance to the site shall be always controlled to prevent the improper dumping on the site.

4. Hazardous and Radioactive Wastes

- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- b. All residues resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
- c. All areas used for filling operations shall maintain the minimum setback as required by this section.
- d. A security guard shall be always stationed at the site for whom a suitable shelter or living quarters shall be provided.

I. Dimensional Requirements

All uses permitted in the M-2, Special Impact Industrial District, shall comply with the following requirements except as provided in Article VI.

- 1. **Minimum Lot Size** – Where public water and sewer service is available, there shall be required a minimum land area of twenty-five (25) acres. No (M-2) industrial land use shall be permitted in areas where a public water supply is not available, except where the Board of Zoning Appeals has determined that such use does not require a supply of potable water in its manufacturing operation. In such

instances the Board may grant written approval of the use and shall not be less than ten (10) acres.

2. **Front Yard** - The minimum depth of the front yard shall be two hundred (200) feet.
3. **Rear Yard** - The minimum depth of the rear yard shall be two hundred (200) feet, except that side yards for industrial lots adjacent to Residential, or Rural Center Districts in which case the minimum setback shall be two hundred fifty (250) feet.
4. **Side Yard** - The minimum depth of the side yard shall be two hundred (200) feet, except that side yards for industrial lots adjacent to Residential, or Rural Center Districts in which case the minimum setback shall be two-hundred fifty (250) feet.
5. **Maximum Lot Coverage** – On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area.
6. **Lot Width** - No lot shall be less than five hundred (500) feet wide at the front building setback line.
7. **Height Requirement** - No principal structure shall exceed forty (40) feet in height.
8. **Fire Protection** - Within the M-2 zoning district, fire protection shall be provided consistent with the requirements of the adopted fire code of Bedford County. The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection. Fire Hydrants shall be required on all lots zoned M-1 at the time of development.
9. **Accessory Structures**
 - a. Except for signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.

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

10. **Peripheral Buffer Zone Requirements**

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will be designed and built as regulated in Article II, Section 2.090 with reference to **table 2.091**. In addition to mandatory landscaping schemes, natural or manmade berms will be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site or for employee exercise use. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries. All submitted landscaping plans shall have been produced by a Tennessee registered landscape architect and shall be at a scale of one (1) inch equals two hundred (200) feet (1" = 200").

11. **Parking Space Requirement** - As regulated in *Article II, Section 2.200*.

12. **Loading and Unloading Requirements** - As regulated in *Article II, Section 2.200*.

J. **Performance Bond Required**

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost, plus ten percent, of the site improvements including, but not limited to, storm water drainage, grading, water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in the form of cash, certified check, irrevocable letter of credit, or surety bond. If the applicant fails to comply with the approved site plan, the Zoning Director shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the Regional Planning Commission, upon the owner-builder furnishing a bond or letter of

credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

4.060. Overlay Zoning Districts

The purpose of the Overlay Zoning Districts are to protect certain important natural resources that have been identified as being in need of special protections and to offer special provisions which can serve the public at large in such areas as historical preservation, scenic preservation, uniquely important infrastructure investments and facilities, or environmentally sensitive areas by encouraging compatible land uses, protecting and stabilizing land values, reserving lands for industrial development for jobs creation and to protect the public health, safety and general welfare of the community. The overlay zoning rules are applied over the base zoning district and add or restrict uses, setbacks, buffering, density and bulk, lot sizes, etc.

- A. Where the land is classified into an overlay zoning district as well as a base zoning district, the regulations governing deployment in the overlay zoning district shall apply in addition to or in some cases replace the regulations governing the underlying base zone district.
- B. In the event of an express conflict between the standards of the overlay zoning district and the base zoning district, the standards governing the overlay district shall control.

4.061. Airport Overlay District

The purpose of the Airport Overlay District is to protect the current and future viability of the Shelbyville Municipal Airport as a significant economic resource and critical infrastructure to local government, business, and the general community of Bedford County by encouraging compatible land uses, densities, and reducing hazards that may endanger the lives and property of the public and aviation users.

The AP-O classification identifies a series of imaginary surfaces and compatible zones within the airport influence area that have may be prone to hazards associated with aircraft and airports – specifically within three thousand (3,000) feet in-line of each end of the runway surface in both directions and within one thousand (1,000) feet perpendicular. This Section is partially based on aircraft accident data from the National Transportation Safety Board (NTSB) and the Federal Aviation Regulations (FAR) Part 77 Imaginary Surfaces.

As the name implies, this zoning classification is laid over the existing Bedford County zoning districts. The AP-O District not only provides safety protections that mitigate conflicts that endanger the airport; closings of the airport; and dangerous conditions allowed to occur too near the airport. It also moderates the potential for high costs and remedial investments to purchase environmentally damaged or conflicting developed property for future airport expansion.

The AP-O District also ensures that future surrounding land uses are compatible with airport operations. The AP-O District encourages similar land uses such as are listed under the OP (Office Professional) District in order to make a better, less abrupt transition from the Low Density Residential Uses, existing and proposed land uses provided for in the Shelbyville Recommended Land Use Plan and the Land Use & Transportation Plan for Bedford County in the areas abutting the Shelbyville Municipal Airport, and the other more intense commercial, public, corporate and industrial uses also near the Shelbyville Airport.

A. Applicability

The provisions of this section shall apply to all lands, buildings, structures, natural features or uses located within those areas that are defined by the AP-O Airport Overlay District designated on the official Bedford County Zoning Map. The following parcels (lands existing as individual parcels at time of adoption) are included in the AP-O District:

Map 059 – Parcel 014.00; Map 059 – Parcel 015.01; Map 059 – Parcel 046.01; Map 059 – Parcel 016.00; Map 059 – Parcel 016.01; Map 059 – Parcel 016.02; Map 050 – Parcel 014.02; Map 050 – Parcel 041-00; Map 050 – Parcel 026.01; Map 050 – Parcel 026.02; and Map 050 – Parcel 024.00, as will be any parcels divided from these parcels hereinafter the passage of this Resolution that fall within the distance guidelines herein established.

B. Exemptions

1. Necessary Aviation Facilities. Any air navigation facility, airport visual approach, or aircraft arresting device, or meteorological device, or a type of device approved by the FAA, the location and height of which is fixed by its functional purpose.

2. Temporary Uses. Temporary uses including but not limited to: circus, carnival or other outdoor entertainment events and religious assembly, so long as the period of operation does not exceed five (5) days, except as otherwise prohibited herein.
3. Nonconforming Uses. A use, lot, building or structure which legally exists prior to the effective date of this Resolution, except as may be compelled by state or federal regulations.
4. Agricultural Uses. Nonresidential agricultural uses, structures, and/or buildings; provided that the use will not penetrate the airspace within the AP-O district safety zones, the FAR Part 77 surfaces or otherwise creates a safety impact as determined by the review official.

C. Development Standards

The following criteria shall be applied within the boundaries of the AP-O district:

1. No use shall be made of any land that will cause electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft.
2. No use, building or structure shall emit emissions of fly ash, dust, vapor, gases, or other forms of emissions that may conflict with any operations of the airport.
3. No use shall be permitted that stores agricultural food products or that would foster an increase in bird population that thereby increases the likelihood of a bird-impact problem.
4. No structure, device or other object shall be placed or erected that makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking-off or maneuvering of aircraft.

5. No privately-owned unmanned aerial vehicle (UAV) or drone shall be operated within the boundaries of this district.
6. No use, building or structure shall be permitted within this zone that promotes large concentrations (six thousand gallons or more) of bulk storage of flammable substances or materials.
7. Single-family dwellings lawfully permitted and established within the AP-O zone prior to the adoption of this Section may be maintained, repaired, or reconstructed in accordance with the provisions of this Section, provided the dwelling meets the applicable standards in the adopted residential building code (IRC).
8. A notice shall be placed on a final plat or final building site plan and noted in the deed of record or on a notice to title for each lot when a subdivision, building site plan or other development is located within the Airport Protection Zone established pursuant to the Bedford County Comprehensive Plan and this Section. The statement shall read as follows:

The subject property is located within an airport protection zone for Shelbyville Municipal Airport (SMA) established pursuant to the Bedford County Comprehensive Plan and Article IV, Section 4.061 (Airport Overlay District) Bedford County Zoning Resolution, and as such, is routinely subject to overflights using SMA and, as a result, residents of the subject property may experience inconvenience, annoyance, discomfort and loss of quiet enjoyment arising from the noise, fumes, illumination, smoke, vibration and hours of operation. Tennessee State Law establishes that airports such as SMA are essential public facilities and need protections for the public interest of the people of the State of Tennessee.

D. Non-Residential Land Usage Standards

1. **Minimum Lot Size** – The minimum lot size in this district shall be thirty thousand (30,000) square feet.
2. **Setbacks:**

- a. **Front Setback:** The minimum depth of a front yard in this district shall be one hundred (100) feet despite its underlying zoning district.
 - b. **Rear Setback:** The minimum depth of a rear yard in this district shall be forty (40) feet despite its underlying zoning district.
 - c. **Side Setback:** The minimum depth of a side yard in this district shall be forty (40) feet despite its underlying zoning district.
 - d. **Maximum Lot Coverage** – On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area.
 - e. **Parking** – See *Article II, Section 2.200*.
 - f. **Landscaping** – See *Article II, Section 2.090*.
 - g. **Signage** – See *Article III, Section 3.360*.
 - h. **Yard Restrictions** – No outdoor storage of merchandise or equipment.
 - i. **Aesthetics** – All commercial buildings constructed in this overlay shall have a façade constructed on all sides (100%) of brick, stone, Dryvit/stucco, any cementitious product (except block), or any combination thereof.
- F. **Residential Land Use Standards**
- 1. **Minimum Lot Size** – The minimum lot size in this district shall be three (3) acres.
 - 2. **Setbacks:**
 - a. **Front Setback from Highway 231:** The minimum depth of a front yard in this district shall be one hundred (100) feet despite its underlying zoning district.

- b. **Front Setback from Other Public or Private Street:** The minimum depth of a front yard in this district shall be seventy-five (75) feet despite its underlying zoning district.
- c. **Rear Setback:** The minimum depth of a rear yard in this district shall be sixty (60) feet despite its underlying zoning district.
- d. **Side Yards:** The minimum depth of a side yard in this district shall be thirty-five (35) feet despite its underlying zoning district.
- e. **Maximum Lot Coverage:** On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures, shall not exceed twenty-five (25) percent of the total area.
- f. **Aesthetics:** All residential buildings constructed in this overlay shall have a façade constructed on all sides (100%) of brick, stone, Dryvit/stucco, real wood, any cementitious product (except block), or any combination thereof.

G. **Permitted Uses**

The permitted uses in the **AO-D** (Airport Overlay District) are identical to the underlying zoning district; that district, which may be later changed or amended, subject to any other such applicable overlay limitations or rules now or in the future. Zoning change applicants who seek future Commercial uses on applicable parcels fronting Highway 231 North shall only be permitted to seek the **OP** zoning district in order to appropriately buffer nearby low-density residential and agricultural uses, transitioning to more intensive commercial uses nearby.

H. **Uses Not Permitted**

No uses shall be permitted which are not specifically listed in the applicable sections of permitted uses and uses by special exceptions in the applicable underlying zoning district.

4.061A AO-D Parcel Map

4.062. SHELBYVILLE GATEWAY OVERLAY DISTRICT

The purpose of the Shelbyville Gateway Overlay District (**SGW-O**) is to promote the public health, safety and welfare of the citizens of Bedford County Tennessee; encourage and regulate prudent and responsible land uses; reduce the demands for public infrastructure expenditures for structures and facilities designed to protect the general public; encourage compatible land uses, densities, and the reduction of hazards that may pose a threat to the economic stability of affected landowners, and the county populous in general.

The Shelbyville Gateway Overlay District will protect property values, promote tourism, preserve the character and integrity of the community and promote the comfort, happiness and emotional stability of area residents by fostering:

- A. Sustainable economic development;
- B. Preservation of our natural and cultural heritage;
- C. Environmental health;
- D. Community interaction and involvement; and
- E. Respect for the investments of others in their property

The **SGW-O** classification identifies a series of imaginary surfaces and compatible zones along the U.S. Highway 231 North corridor extending lengthwise from the Bedford County Boundary shared with Rutherford County along and through to the corporate limits of the municipality of Shelbyville, Tennessee. The width of the said **SGW-O** along U.S. Highway 231 is one thousand (1,000') feet from the road right of way (ROW) on both sides of the said Highway.

As the name implies, this zoning classification is laid over the existing Bedford County zoning districts which may also change over time.

The **SGW-O** District also ensures that future land uses, which can be diverse, are developed in compatibility to the existing, historical, and aesthetic character of the Shelbyville Gateway and are respectful of culturally important landmarks and scenic vistas and view sheds. The **SGW-O** District encourages land uses such as are provided for in the Shelbyville Recommended Land Use Plan and the Land Use & Transportation Plan for Bedford County.

- A. Applicability

The provisions of this section shall apply to all lands, buildings, structures, natural features or uses located within those areas that are defined by the **SGW-O** District designated on the official Bedford County Zoning Map. An official map showing the affected parcels (lands existing as individual parcels at time of adoption) is made part of this resolution and is included in the reference section of this resolution.

B. Exemptions

1. Necessary Aviation Facilities: Any air navigation facility, airport visual approach for aircraft arresting device, or meteorological device, or a type of device approved by the FAA, the location and height of which is fixed by its functional purpose.
2. Temporary Uses: Temporary uses including but not limited to : circus, carnival, music festival, fireworks stand, or other outdoor entertainment events, so long as the period of operation does not exceed five (5) days, except as otherwise prohibited herein.
3. Nonconforming Grandfathered Uses: A use, lot, building or structure which legally exists prior to the effective date of this Resolution, except as may be compelled by state or federal regulations.
4. Agricultural Uses: Nonresidential agricultural uses, structures, and /or buildings, provided that the use is principally agricultural in nature.
5. Religious Uses: Nonresidential religious uses, structures, and/or buildings, provided that the use is limited to religious events or ceremonies.
6. Necessary Public Utility Facilities.
7. Any uses within a platted industrial park complex.

C. General Development Standards

1. No use shall be permitted in this zone which permits the outdoor storage, display or sale of any merchandise except the sale of new or used vehicles, heavy vehicle machinery or agricultural equipment.
2. Buildings or structures erected within this zone must be constructed with a façade on all sides consisting of brick, stone, stucco, Dryvit, cementitious materials, real wood, or any combination thereof. No vinyl, aluminum, or plastic façade products may be used on any part of any structure (except the soffit) in this zone.
3. All development in this zone shall comply with the buffering requirements in **Article II, Section 2.090 Landscaping and Buffer Strips figure 2.091B** (Standard B-Transitional Protective Yards).
4. All development in this zone shall be required to install its electrical and other utilities (propane tanks) underground.
5. All residential and commercial development in this zone is required to provide a paved (asphalt) or concrete parking and driveway surface.

D. Non-Residential Land Use Standards

1. Minimum Lot Size: The minimum lot size in this district shall be thirty thousand (30,000) square feet.
2. Setbacks:
 - a. Front Setback: The minimum depth of a front yard in this district shall be one hundred (100) feet from the street Right of Way (ROW).
 - b. Rear Setback: The minimum depth of a rear yard in this district shall be fifty (50) feet.
 - c. Side Setback: The minimum depth of a side yard in this district shall be forty (40) feet.

3. Maximum Lot Coverage: On any lot or tract in this district containing one or more structures, the area occupied by all structures including accessory structures, shall not exceed forty (40%) percent of the total area.
4. Parking: See *Article II, Section 2.200*.
5. Landscaping: See *Article II, Section 2.090*.
6. Signage: See *Article III, Section 3.360*.
7. Yard Restrictions: No outdoor storage of merchandise or equipment.
8. Aesthetics: All commercial buildings constructed in this overlay district shall have a façade constructed on all sides (100%) of brick, stone, Dryvit/stucco, other cementitious product (except block), or any combination thereof.

E. Residential Land Use Standards

1. Minimum Lot Size: The minimum lot size in this district shall be three (3) acres.
2. Setbacks:
 - a. Front Setback from Highway 231: The minimum depth of a front yard in this district shall be one hundred (100') feet despite its underlying zoning district rules.
 - b. Front Setback from Other Public or Private Street: The minimum depth of a front yard in this district shall be seventy-five (75') feet despite its underlying zoning district.
 - c. Rear Setback: The minimum depth of a rear yard in this district shall be sixty (60') feet despite its underlying zoning district.

- d. Side Yards: The minimum depth of a side yard in this district shall be thirty-five (35') feet despite its underlying zoning district.
- 2. Maximum Lot Coverage: On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures, shall not exceed twenty-five (25%) percent of the total area.
- A. Permitted Uses:
The permitted uses in the **SGW-O** District will be identical to the underlying zoning district except for uses specifically listed in the section immediately following this section.
- B. Uses Specifically Not Permitted
 - b. Rezoning: No parcel or tract of land lying inside the SGW-O District shall be permitted to be rezoned to any of the following zone districts:
 - a. M-1;
 - b. M-2;
 - c. R-3
- 2. Use or Conditional Use by Special Exception: No parcel or tract of land laying inside the SGW-O District shall be permitted to use the land for the following purposes:
 - a. Flea Market or similar business where merchandise is marketed outside;
 - b. Apartments or Multi-Family dwellings (unless part of an approved P.U.D.);
 - c. Mobile Home or Tiny Home Parks;
 - d. Automobile wrecking/dismantler/recycler/salvage or junk yard;
 - e. Racetrack (see *Article VII, Definitions*);
 - f. Communication Towers.

4.063. BELL BUCKLE GATEWAY OVERLAY DISTRICT

The purpose of the Bell Buckle Gateway Overlay District (**BBGW-O**) is to promote the public health, safety and welfare of the citizens of Bedford County Tennessee; encourage and regulate prudent and responsible land uses; reduce the demands for public infrastructure expenditures for structures and facilities designed to protect the general public; encourage compatible land uses, densities, and the reduction of hazards that may pose a threat to the economic stability of affected landowners, and the county populous in general.

The Bell Buckle Gateway Overlay District will protect property values, promote and protect existing tourism, preserve the character and integrity of the community of Bell Buckle and its Gateway and promote the comfort, happiness and emotional stability of area residents by fostering:

1. Sustainable and prudent economic development;
2. Preservation of the natural and cultural heritage of Bell Buckle and its historical assets;
3. Environmental health;
4. Community interaction and involvement; and
5. Respect for the investments of others in their property.

The **BBGW-O** classification identifies a series of imaginary surfaces and compatible zones along the Highway 82 East corridor extending lengthwise from its intersection with U.S. Highway 231 along and through to the corporate limits of the Town of Bell Buckle, Tennessee on its westernmost side. The width of the said **BBGW-O** along Highway 82 East is six hundred (600') feet from the road right of way (ROW) on both sides of the said highway. As the name implies, this zoning classification is laid over the existing Bedford County zoning districts which may also change over time.

The **BBGW-O** District also ensures that future land uses, which can be diverse, are developed in compatibility to the existing, historical, and aesthetic character of the Historic Bell Buckle Gateway and are respectful of culturally important landmarks and scenic vistas. The **BBGW-O** District encourages land uses such as are provided for in the Bell Buckle

Recommended Land Use Plan and the Land Use & Transportation Plan for Bedford County.

A. Applicability

The provisions of this section shall apply to all lands, buildings, structures, natural features or uses located within those areas that are defined by the **BBGW-O** District designated on the official Bedford County Zoning Map. An official map showing the affected parcels (lands existing as individual parcels at time of adoption) is made part of this resolution and is included in the reference section of this resolution.

B. Exemptions

1. Temporary Uses:

Temporary uses including but not limited to: circus, carnival, music festival, fireworks stand, or other outdoor entertainment events, so long as the period of operation does not exceed five (5) days, except as otherwise prohibited herein.

2. Grandfathered Nonconforming Uses:

A use, lot, building or structure which legally exists prior to the effective date of this Resolution, except as may be compelled by state or federal regulations.

3. Agricultural Uses:

Nonresidential agricultural uses, structures, exempted agri-tourism/agri-business, and /or buildings, provided that the use is principally agricultural in nature or is in support of the agricultural uses.

4. Religious Uses:

Nonresidential religious uses, structures, and/or buildings, provided that the use is limited to religious events or ceremonies.

5. Necessary Public Utility Facilities.

C. General Development Standards

1. No use shall be permitted in this zone which permits the outdoor storage, display or sale of any merchandise except the sale of new or used agricultural equipment.
2. Buildings or structures erected within this zone must be constructed with a façade on all sides consisting of brick, stone, stucco, Dryvit, cementitious materials (not including Block), real wood, or any combination thereof. No vinyl, aluminum, or plastic façade products may be used on any part of any structure in this zone.
3. All development in this zone shall comply with the buffering requirements in **Article II, Section 2.090** *Landscaping and Buffer Strips* **figure 2.091B** (Standard B-Transitional Protective Yards).
4. All development in this zone shall be required to install its electrical and other utilities (propane tanks) underground.

D. Non-Residential Land Use Standards

There shall be no commercial or non-residential development in this zone within two (2) miles of the city limits of Bell Buckle.

E. Residential Land Use Standards

1. Minimum Lot Size:
The minimum lot size in this district shall be three (3) acres.
2. Setbacks:
 - a. Front Setback from Highway 231: The minimum depth of a front yard in this district shall be one hundred (100') feet despite its underlying zoning district rules.
 - b. Front Setback from Other Public or Private Street: The minimum depth of a front yard in this district shall be seventy-five (75') feet despite its underlying zoning district.

- c. Rear Setback: The minimum depth of a rear yard in this district shall be sixty (60') feet despite its underlying zoning district.
 - d. Side Yards: The minimum depth of a side yard in this district shall be forty-five (45') feet despite its underlying zoning district.
 - e. There shall be no flag lots permitted in this district.
- F. Maximum Lot Coverage:
On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures, shall not exceed fifteen (15%) percent of the total area.
- G. Permitted Uses:
The permitted uses in the **BBGW-O** District will be identical to the underlying zoning district except for uses specifically listed in the section immediately following this section.
- H. Uses Not Permitted
 - 1. Rezoning: No parcel or tract of land lying inside the BBGW-O District shall be permitted to be rezoned to any of the following zone districts:
 - a. M-1;
 - b. M-2;
 - c. C-1 (Within two (2) miles of the corporate city limits of Bell Buckle)
 - d. C-2;
 - e. R-3.
 - 2. Use or Conditional Use by Special Exception:
No parcel or tract of land laying inside the BBGW-O District shall be permitted to use the land for the following purposes:
 - a. Flea Market or similar uses where merchandise is marketed outdoors;
 - b. Apartments or Multi-Family dwellings (unless part of an approved P.U.D.);

- c. Mobile Home or Tiny Home Parks;
- d. Automobile wrecking/dismantler/recycler/salvage or junk yard;
- e. Racetrack (auto racing).
- f. Industrial or light industrial.

4.064. DUCK RIVER OVERLAY DISTRICT

The purpose of the Duck River Overlay District (DR-O) is to protect a vitally important and environmentally sensitive natural resource that provides drinking water, food, boating, sporting, cultural and other important aquatic resources to the people of Bedford County as well as numerous other counties and communities along its fertile and pristine banks until it finally merges its waters into the Tennessee River in Humphreys County, Tennessee. The Duck River is the sole water source for more than 250,000 people in Middle Tennessee. The water quality of the Duck River is crucial for animals, for people, and for the local economy alike.

The Duck River is one of three (3) hot spots for fish and mussel diversity in the entire world and is widely considered North America's richest river in variety of freshwater animals. Winding 284 miles through Middle Tennessee, the Duck River is one of the state's most scenic waterways, giving life to tourism and other important economic benefits.

The explosive growth occurring in the Upper Duck River watershed – combined with the river's extraordinary biological richness, elevates the importance of protecting this important Middle Tennessee resource, compelling Bedford County to take steps to protect it from the pressures of land development. The Duck River Overlay District is a protected corridor of water and land along the entire length of the Duck River, excluding lands that fall within an incorporated municipality, along with two hundred fifty (250') feet on either side of the Duck River and certain shoreline environs within the protected zone.

No development of any kind shall occur within this two-hundred fifty-foot protective zone.

4.065. SPECIAL CHARACTER DISTRICTS

Sections:

4.065.0 Statement of Purpose

4.065.1 Purpose of Each District

4.065.2 Use and Structure Provisions

4.065.3 Bulk, Lot and Intensity Regulations

4.065.4 Special Allowances, Variances and Prohibitions

4.065.0 Statement of Purpose

The purpose of the special character zones is to allow Bedford County government to establish special land use regulations in various areas of the county that have been identified as unique in some way or that have special needs due to location, building types, *historical significance* or local character. Certain remote areas of the county can suffer from commercial disadvantages hindered by the implementation of modern zoning prohibitions that are difficult to apply to lands that were originally planned for historical commercial village centers and settings – historical villages, where the congregation of peoples for commercial, postal, religious, educational, and communal purposes all once occurred in the same small village center. These specifically recognized zones provide essential tools that can be implemented to both protect the character of our rural villages and to modernize the current needs of each. It is the intent of this section to restore the feasibility and viability of our historically important cultural village centers.

4.065.1 Purpose of Each District

Each special character zone has specific purposes as indicated below.

A. RVN – Rural Village Neighborhood.

The purpose of the RVN Zone is to better accommodate mixed-use (residential and *essential* convenience retail, office, home-office and light-commercial) opportunities for rurally situated historical villages that provides the physical design characteristics and economic pathways for the development of pedestrian orientation, store front streets, local businesses, and local employment within a neighborhood setting. Further, the intent is to encourage interaction among residents and activities within the district that enhance business vitality, reduce vehicular traffic, and ensure that

the appearance and effects of buildings and uses are harmonious with each other and of the villages historical character.

By identifying these once vital commercial and social centers, the historical significance of its location may be conserved, and its architecturally important buildings, homes and distinctive character can be better preserved. The zone is designed to assist each historical village to maintain its rural character and function as viable and attractive centers of social and light-commercial activity, instilling community cohesiveness, promoting local tourism, and eliminating traditional barriers for successful commercial growth in disadvantaged rural settings.

B. EAC – Employment and Activity Center.

The purpose of an EAC Zone is to provide a more intense mixed-use accommodation of commercial, office, retail, service, and industrial uses as well as multi-family residential for a wide market area and a variety of activities. These areas are not historical in nature but are opportunities for rural commercial and light industrial activity in need of higher-density residential development, catering to thriving employment opportunities and burgeoning office/retail and corporate development.

4.065.2 Use and Structure Provisions

A. Uses Permitted

1. Principal Permitted Uses

See Appendix B.

2. Permitted Accessory Uses

a. Accessory activities customarily associated with residential uses shall abide by the accessory use regulations found in *Article II, Section 2.070 and Appendix B*;

b. Accessory activities customarily associated with office/institutional uses shall abide by the accessory use regulations found in *Article II, Section 2.070 and Appendix B*;

c. Accessory activities customarily associated with commercial uses shall abide by the accessory use

regulations found in *Article II, Section 2.070 and Appendix B*;

- d. Accessory activities customarily associated with industrial uses shall abide by the accessory use regulations found in *Appendix B*;
- e. Signs permitted in accordance with *Article III, Section 3.360 (G)*;
- f. Operation of a playfield or other recreational facility including but not limited to clubhouses, pools and tennis courts for employees, members, residents, patrons, or others participating in the principal activity on the same zone lot.

B. Special Exceptions

Special exceptions permitted for consideration by the Board of Zoning Appeals are listed in the Land Use Activity Table in *Appendix B*. Specific development standards for new construction in the RVN zone shall be found in **Article III, Section 3.430**, Rural Village Neighborhood Development Regulations; and, **Article VIII, Section 8.080**, Procedure for Authorizing Special Exceptions.

C. Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table in *Appendix B* is prohibited. The use of a mobile home or similar structure as an office, storage space, retail space, or in any other nonresidential manner is expressly prohibited.

D. Zoning Exemptions

These are specific exemptions to resolutions otherwise governing parcels within a Special Character Zone Boundary.

- 1. Parcels identified to be located within the Special Character Zone – *Rural Village Neighborhood (RVN)* are, by virtue of their historically grandfathered non-conforming dimensional characteristics, deemed to be disadvantaged by a lack of functional space and are exempt from certain off-street parking requirements found under **Article II, Section 2.200**. Specifically, commercial establishments shall never

be required to have more than two (2) handicap parking spaces. The total number of parking spaces may be supplemented by additional public (non-private) parking spaces within 500 feet of the principal entrance to the building.

2. Parcels identified to be located within the Special Character Zone – Employment Activity Zone (EAC), are approved for any *Type I Customary Incidental Home Occupations as found in Article III, Section 3.090 (A)*.
3. Parcels of land identified as being located within or inside the borders of any adopted Special Character Zone Boundary may choose to voluntarily opt-out and thus be removed from any such Zone Boundary. Parcels having thus voluntarily opted-out, shall abide by all zoning and building code requirements for the zone lot (e.g., A-1, C-1, etc.) otherwise required, and shall not be entitled to or burdened by any exemption, benefit, or additional standard afforded to or required of parcels inside the Special Character Zone Boundary. Future modifications to any Zone Boundary may be accomplished through standard rezoning procedures.

E. Special Façade and Signage/Advertising Requirements

Parcels seeking to be included within any RVN Zone Boundary must adhere to enhanced façade and signage requirements.

Construction: All new construction must have its façade elevations constructed in the same rural character as other historical structures it may be near or adjoin, consistent with the architectural character of the Zone. All plans must be submitted in full to the Zoning Director who shall approve each new building plan.

1. In no case may vinyl siding be used as a part of any façade on any elevation. Concrete block is permitted as a structural element when it (all sides) is completely covered and concealed by an enhanced veneer material such as a Hardy Board type siding or other decorative cementitious building product – approved by the planning department.
2. No exposed foundations, unless by design, to appear as large period structural foundation stones.

3. No roofs with a slope/pitch less than 4 inches in height for every 12 inches, as measured horizontally from the edge of the roof to centerline (4/12 pitch).
4. Parapet walls above roof line shall be designed with the minimum standards. The adopted building code shall supersede these requirements, but at no time fall below these minimum standards:
 - a. Height of roofing at wall: minimum of 12" to top of parapet.
 - b. TPO may not lap over top of parapet unless required by unique construction conditions.
 - c. Top of parapet, below cap, to be sealed with fluid applied flashing (FAP).
 - d. Venting in wood framed parapets to provide venting to each wall cavity, covered with a bug screen, and correctly vented against bulk water intrusion at top.
 - e. Railing attachments to side walls.

Signs: Signage and Advertising must adhere to special regulations found in **Article III, Section 3.360 (G)**. Architectural and signage review shall be performed by the Zoning Office.

4.065.3 Bulk, Yard, Density, and Intensity Regulations

The regulations appearing below in *Appendix A*. apply to zone lots and buildings or other structures located on any zone lot or portion of a zone lot including all new developments, enlargements, extensions, or conversions. Existing buildings, structures or use activities that do not comply with one or more of the applicable bulk regulations are classified as nonconforming and are subject to the provisions of *Article VI, Section 6.020*.

Appendix A. Special Character Districts – Bulk Regulations

Zoning District		Minimum Lot Area	Minimum Lot Width	Minimum Building Setback	Maximum Height	Maximum Lot Coverage
RVN – Rural Village Neighborhood	Single Family	15,000 sq. ft.	65 ft.	Front * Side (zero) Rear 15 ft.	35 ft.	95%
	Mixed Use	**6,000 sq. ft.	100 ft.	Front * Side (zero) Rear 15 ft.	35 ft.	95%
	Commercial	**6,000 sq. ft.	30 ft.	Front * Side (zero) Rear 15 ft.	35 ft.	95%
EAC - Employment & Activity Center	Multi-Family	6,000 sq. ft.	65 ft.	Front * Side 10 ft. Rear 20 ft.	65 ft.	75%
	Commercial	15,000 sq. ft.	80 ft.	Front * Side 30 ft. Rear 40 ft.	65 ft.	60%
	Office/ Institutional	30,000 sq. ft.	100 ft.	Front 40 ft.	85 ft.	60%
	Industrial	85,000 sq. ft.	250 ft.	Front 120 ft. Side 60 ft. Rear 100 ft.	45 ft.	50%

- * Setback determined by measuring front setbacks of existing structures along the same block located within one hundred (100) feet in either direction of the subject lot. Calculate the average front setback in the area and set the building within five (5) feet of the average.
- ** Existing non-conforming lots of record shall be exempt from min. lot area dimensions.

4.065.4 Special Allowances, Variances and Prohibitions

The regulations appearing below in *Appendix B*. apply to zone lots and buildings or other structures located on any zone lot or portion of a zone lot including all new developments, enlargements, extensions, or conversions. Existing buildings, structures or use activities that do not comply with one or more of the applicable bulk regulations are classified as nonconforming and are subject to the provisions of **Article VI, Section 6.020**.

Appendix B. Uses: Permitted, Special Exceptions, Exemptions and Non-Permitted.

Special Character Zone		Permitted Uses	Special Exceptions	Zoning Exemptions	Prohibited Uses
RVN - Rural Village Neighborhood	Residential	Single Family; Row Houses; Loft Apartments; Short-Term Rental; Residential Accessory Structures;	Multi-Family, Condominium,	Bedroom window ingress/egress on historical structures (80+years).	Non-Masonry Facades; Type II Home Occupations;
	Commercial	Light Commercial/Retail; Professional Office; Restaurants; Gift/Bric-a-Brac; Antiques; Fuel; Community Centers;	Signage - 3.360 (G). Theater; Conditioned Storage.	Events Venue; Parking & loading regulations;	Industrial Uses; Non-Masonry Facades; Mini-Storage;
EAC - Employment & Activity Center	Residential	Multi-Family, Condominium; Lofts; Row Houses; Short Term Rental; Long Term Rental		Type I Home Occupation	Accessory Structures; Yard Sales;
	Commercial	General Retail, Shopping Center; Fuel; Restaurant/Bar/Pub; Micro Brewery if approved by Beer Board.			Mini-storage.
	Office/Institutional	General Office; Educational;			
	Industrial	Light Industrial; Distribution; Tool & Die			

4.066. **RENEWABLE ENERGY DEVELOPMENT DISTRICT (REDD)**

The purpose of the Renewable Energy Development District is to allow Bedford County government to establish special land use regulations related to the development of solar and other various renewable energy power generating technologies which generally consume enormous quantities of available lands and present a visual impact which industrializes the natural viewshed to near or adjoining parcels. Of special concern are areas of Bedford County considered to be predominantly rural and agricultural in nature.

Additionally, various other areas of Bedford County are considered unique in that a major investment in public infrastructure has taken place or have been planned using large sums of public funds. The protection of these public investments and assets on behalf of the taxpayer where government has made investments of public funds for future jobs growth and industry diversity for the citizens of Bedford County are paramount. Such areas may have been pre-planned by local government to eventually develop in a way, either civic, residential, commercial, or industrial, that will create housing, sustainable incomes, and job opportunities for its citizens. Planning for industry requires the necessary public infrastructure needed to encourage or incubate these types of developments.

Lastly, Bedford County boasts an undulating topography which lends itself to important cultural panoramic viewsheds intended to be protected as cultural assets. It is the intent of this section to provide suitable land resources for the development of renewable energy projects without any significant adverse economic or cultural impacts to these important investments and assets.

Any parcel lying outside of the **Bedford County Renewable Energy Overlay Zone (REZ)** intended for use as an NPU must first be re-zoned to the **Renewable Energy Development District (REDD)** zone classification. Parcels zoned A-1 which lie inside the adopted boundaries of the REZ, intended for use as an NPU shall qualify as a conditional use in the A-1 zone, needing only approval as a special exception from the **Board of Zoning Appeals (BZA)**.

A. Commercial, Non-Public Utility Power Generating Facility (NPU).

1. Commercial Solar Energy Development

a. Use and Structure Provisions

1) Uses Permitted

Solar NPU's (*see* Article II, Section 2.141) lying inside the boundaries of the **Bedford County Renewable Energy Zone** as defined by the Bedford County Renewable Energy Overlay Zone Map (*see Appendix C.*).

2) Uses Permitted as Accessory Uses

- a) The construction of accessory structures used specifically for the operational or office/business needs of an NPU.
- b) The construction of electrical sub-stations and their physical connectivity to a public or private electrical grid.

3) Prohibited Uses

Any use or structure not specifically permitted by right or special exception as presented in the Land Use Activity Table in *Appendix D* is prohibited. The use of a mobile home or similar structure as an office, storage space, retail space, or in any other manner is expressly prohibited.

4) Development Standards:

See Article II, Section 2.141 (*see also, Appendix C. and Appendix D.*)

b. Bulk, Yard, Density, and Intensity Regulations

The regulations appearing below in *Appendix C.* shall apply to both A-1 and *REDD* zone lots.

Appendix C. Renewable Energy Development District – Bulk Regulations

Zoning District		Minimum Lot Area	Minimum Lot Width	Minimum Building Setback	Maximum Height	Maximum Lot Coverage
A-1 (Conditional Use Only)	NPU Inside the Bedford County Renewable Energy Overlay Zone	NONE	NONE	Front – 75 feet Side – 75 feet Rear – 75 feet	35 ft.	95%
REDD	NPU Outside the Bedford County Renewable Energy Overlay Zone	NONE	NONE	Front – 400 feet Side - 375 feet Rear - 390 feet	35 ft.	66%

c. Special Allowances, Variances and Prohibitions

The regulations appearing below in *Appendix D*. apply to *REDD* zone lots and buildings or other structures located on any REDD zone lot or portion of a REDD zone lot including all new developments, enlargements, extensions, or conversions. Existing buildings, structures or use activities that do not comply with one or more of the applicable bulk regulations are classified as nonconforming and are subject to the provisions of *Article VI, Section 6.020*.

Appendix D. Uses: REDD Permitted, Special Exceptions, Exemptions and Non-Permitted.

Zoning Overlay District		Permitted Uses	Special Exceptions	Zoning Exemptions	Prohibited Uses
REDD	NPU	Equipment, fixtures, and structures associated with the collection, storage, and transmission of solar energy intended to produce an electrical product for sale and delivery to a public or private electrical grid.	NONE	NONE	Residential dwellings, Commercial Operations other than NPU, Industrial, mobile home, RV's, or other similar structures for any purpose.

4.066.0 **BEDFORD COUNTY RENEWABLE ENERGY OVERLAY ZONE (REZ)**

The **Bedford County Renewable Energy Overlay Zone** was established with the intent of creating large, designated areas of Bedford County which are deemed to be most appropriate areas for the development of large renewable energy projects such as commercial solar energy farms – NPU’s. NPU’s can be multi-hundred-acre sites which generally contain 10,000 to 25,000 or more solar panels and can, by themselves, have a considerable transformative effect on our rural village character and the agricultural landscapes and viewsheds important to the cultural fabric and history of Bedford County.

In addition, Bedford County has made significant investments of public funds toward the identification and planning of its high-growth areas deemed suitable for residential, commercial, and industrial development. These investments having been made in order to cultivate and attract business and industry for the creation and sustainability of stable employment opportunities, services, retail and adequate quality of life for its citizens and, in-kind, an educated workforce for attracting and maintaining existing industry. In those expenditures and efforts, it has invested large sums of its public funds for the improvement of the public infrastructure (water, sewer, gas, electric) required for those instant and long-term needs.

As renewable energy development projects such as the identified NPU do not require nor use the same public infrastructure (high-capacity water, sewer, or natural gas), it is critical that those public fund investments and the rare multi-hundred-acre improved lands, be properly planned and utilized in such a way as for local government to not be wasteful of public monies and of our most valuable resources.

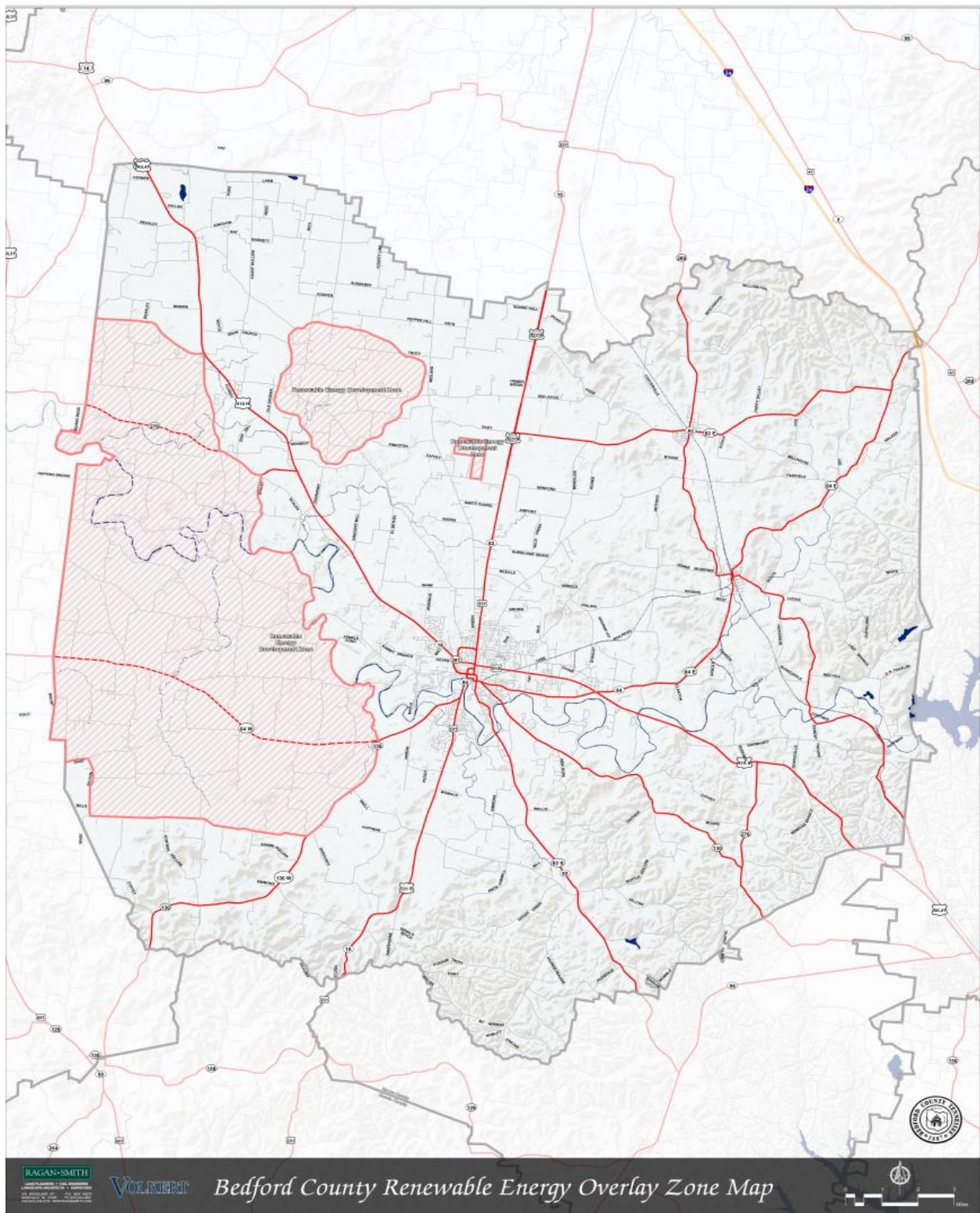
The undulating and high-rolling natural topographies of Bedford County is also deemed inappropriate for these types of developments. Bedford County enjoys a mix of both flat and hill lands. The **Bedford County Renewable Energy Overlay Zone** is a boundary of lands identified to have a typical topography of less than 6% slopes and areas not identified by the Planning Department as being in high

growth areas or areas where significant public infrastructure investments have been made or planned.

Applicants wanting to rezone lands for use as an NPU are eligible to apply for the **Renewable Energy Development District** (REDD) zoning classification in areas outside of the mapped **Bedford County Renewable Energy Overlay Zone**. However, any NPU approved for a zone lot outside of the designated **Bedford County Renewable Energy Overlay Zone** shall be subject to increased standards (i.e., Bulk, Density, Setbacks) as referenced in *Appendix C*, in order to mitigate adverse cultural viewsheds, protect agricultural areas from taking on an industrial appearance, and to protect area property values. NPU's desiring to locate inside the boundaries of the Bedford County Renewable Energy Overlay Zone shall qualify as a conditional use in the A-1 zone without the need to rezone the lot to **REDD** and are eligible for setback and bulk relief as referenced in *Appendix C*. due to its impact being deemed less adverse to nearby property.

4.066.1 BEDFORD COUNTY RENEWABLE ENERGY ZONE MAP

The Bedford County Renewable Energy Overlay Zone Map (see map below) has identified areas of Bedford County deemed most suitable for NPU development. Applicants desiring to develop NPU's in Bedford County are encouraged to find suitable lands in the designated (red shaded) areas defined on the said MAP (see Article IV, Section 4.066 (A)(1)(b.) appendix C. and Section 4.066 (A)(1)(c.) appendix D.). NPU developments inside the boundaries of this zone shall qualify as a conditional use under the A-1 zone.



- Areas shaded in red with diagonal lines are deemed appropriate areas for Renewable Energy Developments and NPU's and qualify as conditional uses under the A-1 Zone.
- Areas not shaded in red with diagonal lines shall be subject to more intensive setback regulations (see Appendix C) and must rezoned to **Renewable Energy Development District (REDD)**.

4.067. SPECIAL CHARACTER ZONE BOUNDARIES

The maps included herein outline the established boundaries of each Special Character Zone. Inclusion into any Special Character Zone shall be voluntary. Owners of property identified by the Planning Department as being recommended for inclusion into a Special Character District Zone, may choose to voluntarily have their parcel(s) opted-out of inclusion into the Zone at the time of its creation. Or an owner at any later time, may choose to remove its parcel from such a Zone. Owners of property voluntarily removed from such a Zone may not request re-inclusion of such removed property back into such a Zone after such time as having developed, improved, or re-developed the said removed property.

4.067.0. IDENTIFIED SPECIAL CHARACTER ZONES & BOUNDARY MAPS

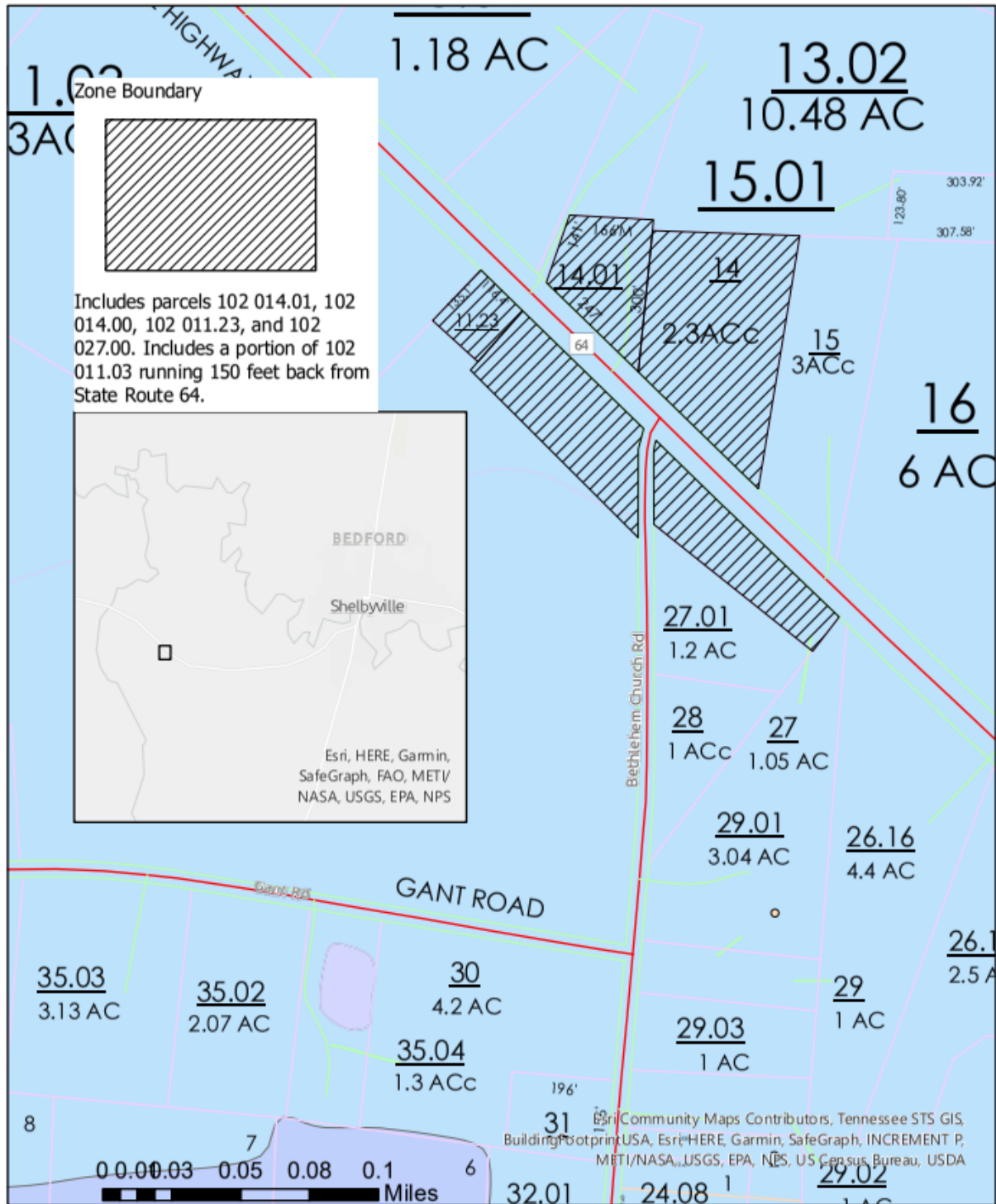
A. Rural Village Neighborhood Zones (RVN)

- 4.067.1. Bedford Rural Village Neighborhood Zone
- 4.067.2. Flat Creek Rural Village Neighborhood Zone
- 4.067.3. Wheel Rural Village Neighborhood Zone
- 4.067.4. Halls Mill Rural Village Neighborhood Zone

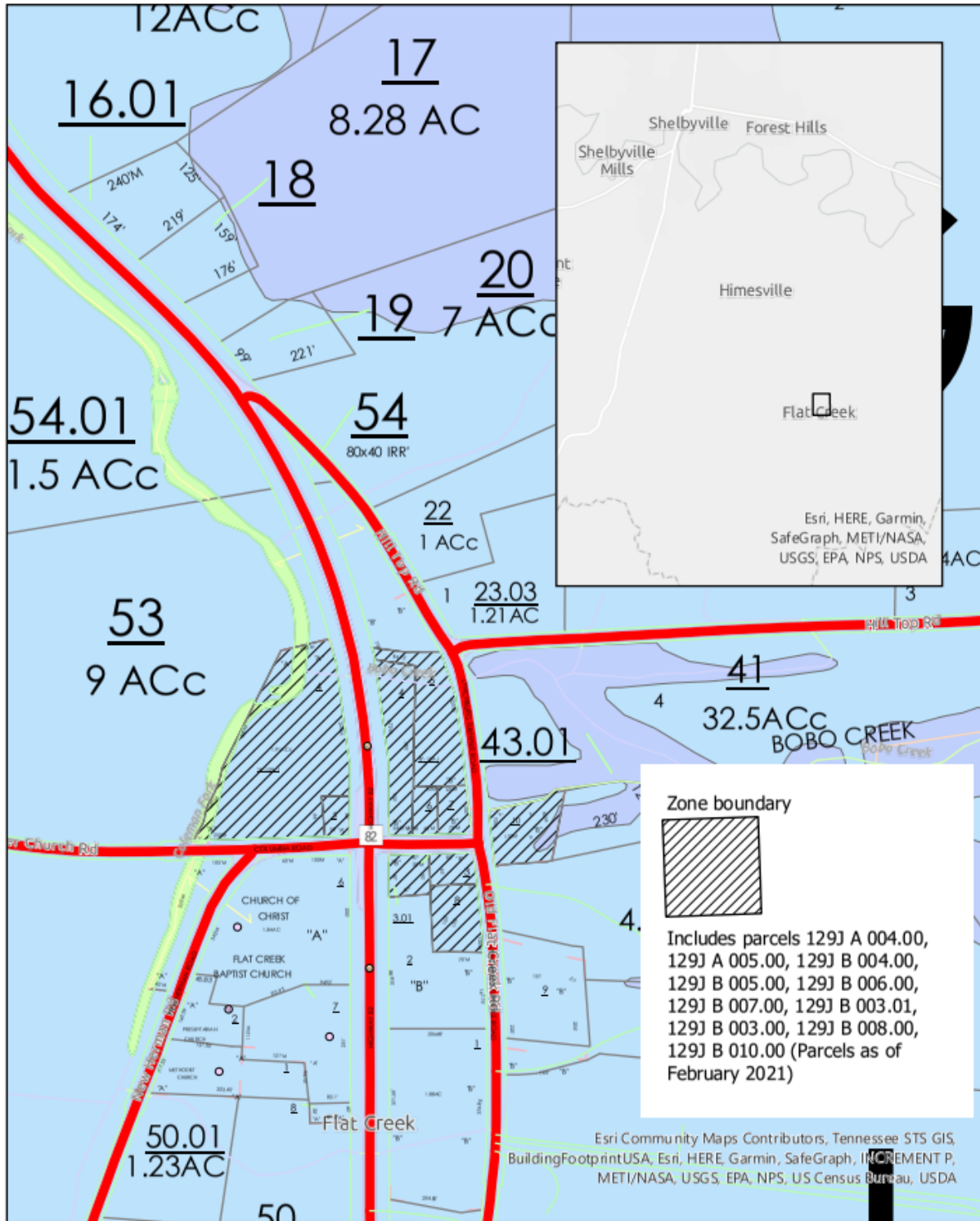
B. Employment Activity Center (EAC)

There are currently no EAC Zones established.

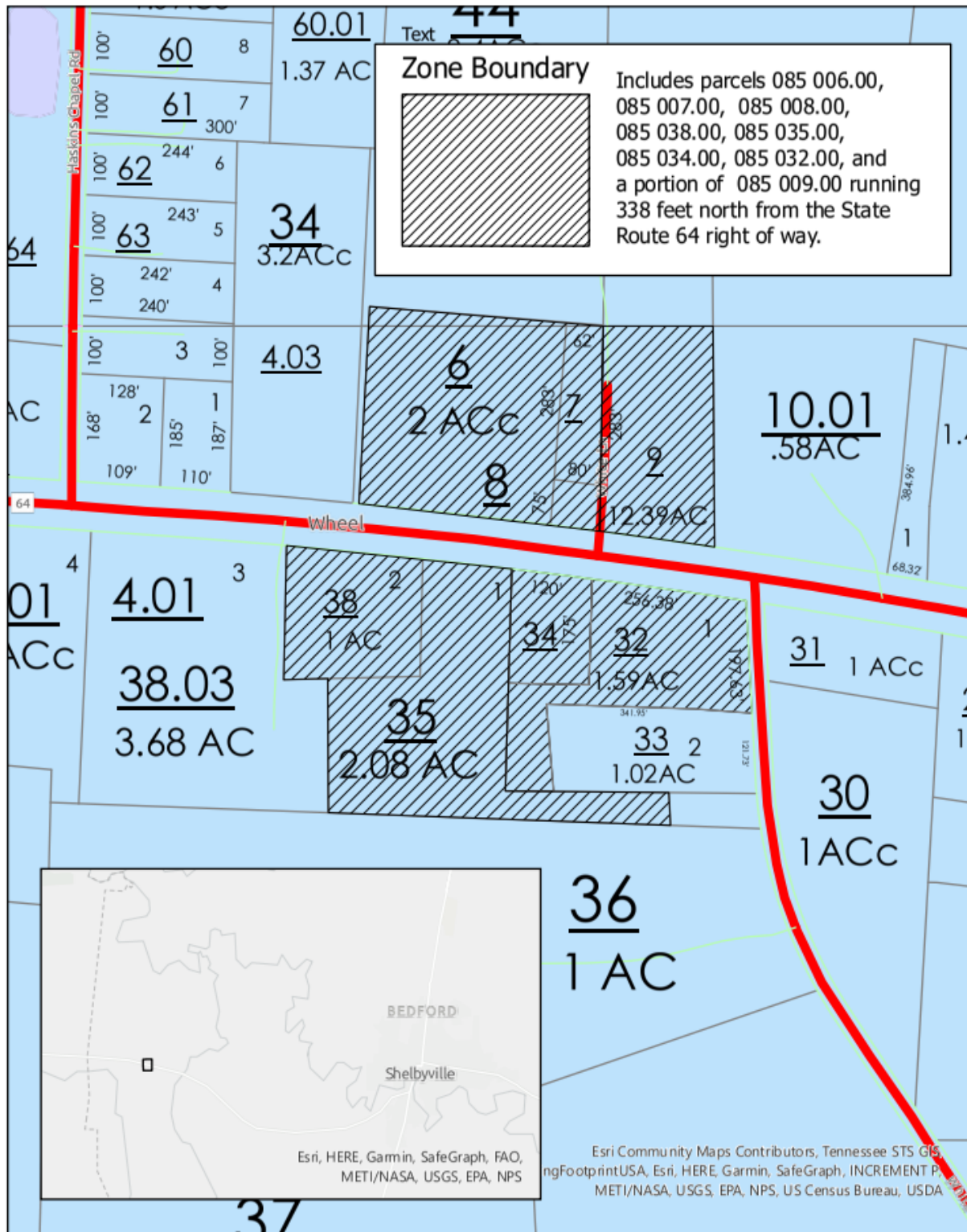
Bedford Rural Village Neighborhood (BRVN) Zone Boundary



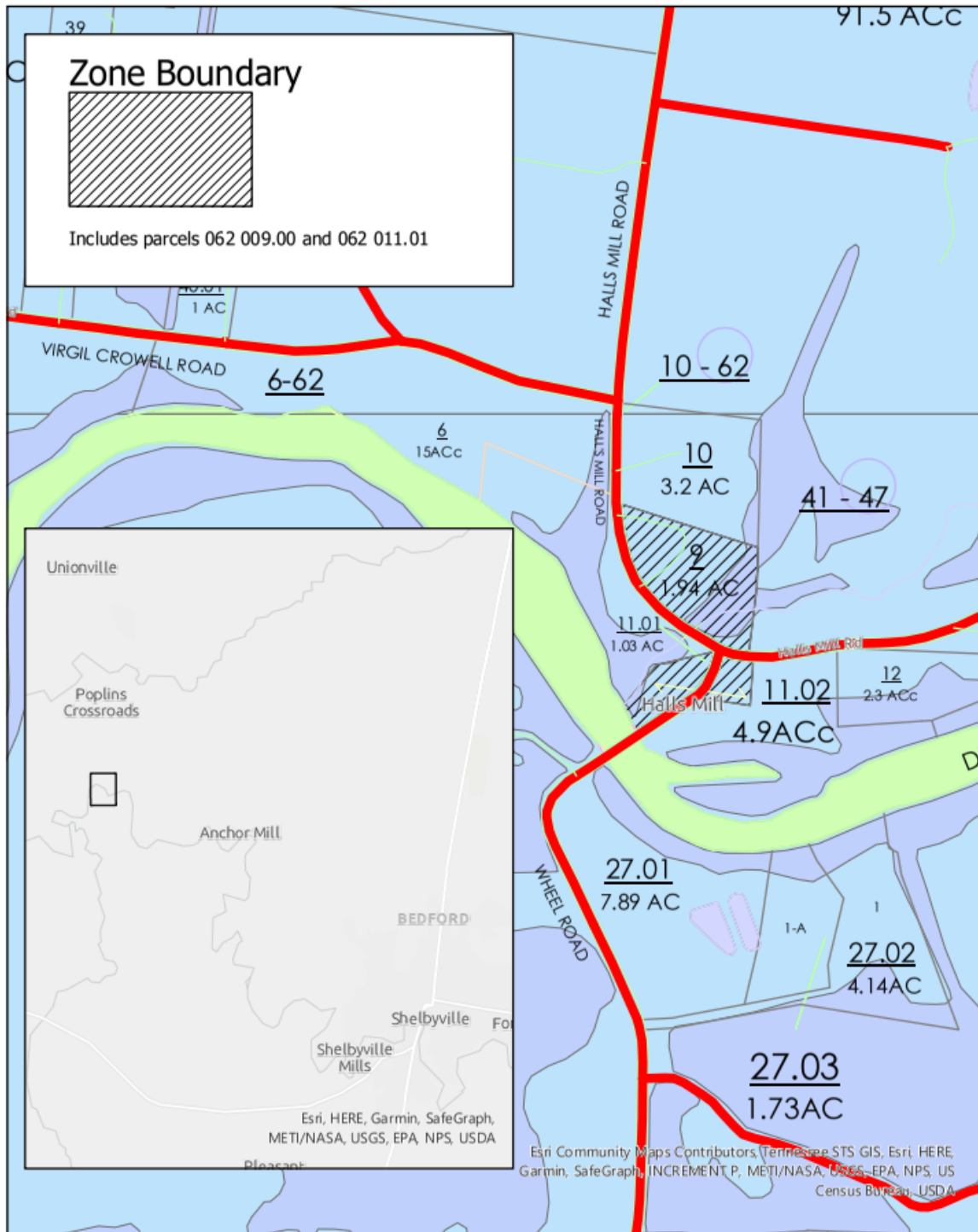
Flat Creek Rural Village Neighborhood (FCRVN) Zone Boundary



Wheel Rural Village Neighborhood (WRVN)



Hall's Mill Rural Village Neighborhood (HMRVN) Zone Boundary



ARTICLE V

BEDFORD COUNTY FLOOD DAMAGE PREVENTION PROVISIONS

SECTION

- 5.010 Statutory Authorization, Findings of Fact, Purpose and Objectives**
- 5.020 Definitions**
- 5.030 General Provisions**
- 5.040 Administration**
- 5.050 Provisions for Flood Hazard Reduction**
- 5.060 Variance Procedures**
- 5.070 Legal Status Provisions**

5.010. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections §§13-7-101 through 13-7-115, Tennessee Code Annotated, delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program (NFIP) as well as to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of County Commissioners of Bedford County, Tennessee, do resolve as follows:

B. Findings of Fact

1. The Bedford County, Tennessee, Mayor and its Legislative Body wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3. (10-1-04 Edition)
2. Areas of Bedford County, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

It is the purpose of this Resolution to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Resolution is designed to:

1. Restrict or prohibit uses that are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters OR which may increase flood hazards to other lands.

D. Objectives

The objectives of this Resolution are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a flood prone area;
8. To maintain eligibility for participation in the NFIP.

5.020. **DEFINITIONS** (NFIP)

Unless specifically defined below, words or phrases used in this Resolution shall be interpreted as to give them the meaning they have in common usage and to give this Resolution its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Resolution, shall conform to the following:

- A. Accessory structures shall only be used for parking of vehicles and storage.
- B. Accessory structures shall be designed to have low flood damage potential.

- C. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- D. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- E. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Resolution or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-Related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E, on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the (FIRM), Zone E may be further refined.

"Area of Special Flood Hazard" see "Special Flood Hazard Area"

"Base Flood" means the flood having a one (1%) percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1%) percent annual chance flood.

"Basement" means any portion of a building having its floor subgrade (below ground level) on all sides.

"Bedroom" means, a room in a residential dwelling large enough to accommodate a bed, having a closet, and in addition, immediate access to a full

bathroom. Any room deemed a **bedroom** by the Codes Official shall also have code-compliant emergency egress areas.

"Building" (see **"Structure"**).

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

"Exception" means a waiver from the provisions of this Resolution which relieves the applicant from the requirements of a rule, regulation, order, or other determination made or issued pursuant to this Resolution.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Finished Floor Elevation" means top of the slab-on-grade or the top of the floor constructed on the foundation wall. Depending on the terrain, the top of the foundation wall and the FFE may be close to the adjacent ground or several feet above it.

"Flood" or "Flooding"

(A) A general and temporary condition of partial or complete inundation of normally dry land areas from:

2. The overflow of inland or tidal waters.
3. The unusual and rapid accumulation or runoff of surface waters from any source.
4. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(B) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining cause by waves or currents of water exceeding anticipated cyclical levels or suddenly cause by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards, and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of **"Flood" or "Flooding"**).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Flood-proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

"Flood-Related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-Related Erosion Area" or "Flood-Related Erosion Prone Area" means a land area adjoining the shore of a lake or other body of water, which

due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-Related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- C. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on the Bedford County, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - 1. By the approved Tennessee program as determined by the Secretary of the Interior or
 - 2. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor Elevation" means the bottom of the lowest horizontal structural member that runs underneath the elevated floor, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean-Sea-Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Article, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Article and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Article or the effective date of the initial floodplain management Resolution Article and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-Year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

- A. Built on a single chassis;

- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck;
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least four (4) feet above the highest adjacent ground.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work

beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Resolution, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration, or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Resolution.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

5.030. GENERAL PROVISIONS

A. Application

This Resolution shall apply to all areas within the unincorporated area of Bedford County, Tennessee, or incorporated areas of Bedford County where an interlocal agreement between the corporate municipality's governing body and the Bedford County Commission provides for Bedford County to have jurisdiction over its building program.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Bedford County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 47003C0100E, 47003C0150E, 47003C0175E, 47003C0189E, 47003C0190E, 47003C0200E, 47003C0225E, 47003C0250E, 47003C0282E, 47003C0284E, 47003C0285E, 47003C0300E, 47003C0301E, 47003C0302E, 47003C0303E, 47003C0304E, 47003C0306E, 47003C0308E, 47003C0310E, 47003C0325E, 47003C0350E, 47003C0375E, dated, August 2, 2007 along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

C. Requirement for Development Permit

A development permit shall be required in conformity with this Resolution prior to the commencement of any development activities.

D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations.

E. Abrogation and Greater Restrictions

This Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

In the interpretation and application of this Resolution, all provisions shall be:

- Considered as minimum requirements;
- Liberally construed in favor of the governing body; and,
- Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this resolution or fails to comply with any of its requirements shall, upon adjudication, therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Bedford County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

5.040. ADMINISTRATION

A. Designation of Resolution Administrator

The County Planning & Zoning Director is hereby appointed as the Administrator to implement the provisions of this Resolution.

B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application Stage

- a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- b. Elevation in relation to mean-sea-level to which any nonresidential building will be flood-proofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- c. A FEMA Flood-proofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential flood-proofed building will meet the flood-proofing criteria in Article V, Section 5.050, Subsections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of

improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

- An itemized cost of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators.
- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
- A qualified estimate of costs that is prepared by the local official using professional judgment and knowledge of local and regional construction costs.
- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said

certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor or flood proofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Finished Construction Stage

A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 5.040, Sub-section B.
7. Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been flood-proofed, in accordance with Section 5.040, Sub-section B.
8. When flood-proofing is utilized for a structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 5.040, Sub-section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the Bedford County, Tennessee FIRM meet the requirements of this Resolution.

11. Maintain all records pertaining to the provisions of this Resolution in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.
12. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three (3" x 3") inches by three (3) inches. Digital photographs are acceptable.

5.050. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 5.050, Sub-section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction; and
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 5.050, Sub-section A, are required:

1. Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any residential building on a slab foundation (or manufactured home) shall have the lowest floor, including basement, and all appurtenances, elevated to no lower than two (2) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of

flood hydrostatic forces on both side of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building, and all its appurtenances, to be elevated to a level of at least four (4) feet above the highest adjacent grade (as defined in Section 5.020). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or flood-proofed to no lower than two (2) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both side of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement and all appurtenances, elevated or flood-proofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 5.020). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Non-Residential buildings located in all A Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting

hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 5.040, Sub-section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 5.050, Sub-section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on:

- (1) Individual lots or parcels;
 - (2) In expansions to existing manufactured home parks or subdivisions; or
 - (3) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than three (3) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least five (5) feet in height above the highest adjacent grade (as defined in Section 5.020).
 - c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Section 5.050, Sub-sections A and B.
 - d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than one hundred-eighty (180) consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security

devices, and has no permanently attached structures or additions), or;

- 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 5.050, Sub-section E).

C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and with Floodways Designated

Located within the Special Flood Hazard Areas established in Section 5.030, Sub-section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris, or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood

without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements, or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the encroachment shall not result in any increase in the flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of FEMA;
3. ONLY if Section 5.050, Sub-Section C, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 5.050, Sub-Sections A and B.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Section 5.030, Subsection B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

2. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provide that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provision of §65.12, and receives the approval of FEMA;
3. ONLY if Section 5.050 Sub-Section D, provisions (1) through (2) are satisfied, then any new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 5.050, Sub-sections A and B.

E. Standards for Streams Without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Section 5.030, Sub-section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2, below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Section 5.050, Sub-sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be locate within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will

not increase the water surface elevation of the base flood more than one (1) foot at any point within Bedford County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within Bedford County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 5.050, Sub-sections A and B. Within approximate A Zones, require that those sub-sections of Section 5.050, Sub-section B, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

F. Standards for Areas of Shallow Flooding (Zones AO)

Located within the Special Flood Hazard Areas established in Section 5.030, Sub-section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 5.050, Sub-sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor (including basement) elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.

2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 5.050, Sub-section F(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with section 5.040, Sub-section B(1) (c) and Section 5.050, Sub-Section B(2).
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

G. Standards for Areas of Shallow Flooding (Zone AH)

Located within the Areas of Special Flood Hazard established in Section 5.030, Sub-section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analysis are shown in this zone. In addition to meeting the requirements of Section 5.050, Sub-sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

H. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Section 5.030, Sub-section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Section 5.040 and Section 5.050 shall apply.

I. Standards for Unmapped Streams

Located within Bedford County, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 5.040 and 5.050.
3. ONLY if Section 5.050 Sub-section I, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 5.050, Sub-sections A and B.

5.060. VARIANCE PROCEDURES

A. Regional Board of Zoning Appeals

1. Authority

The Bedford County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2. Procedure

Meetings of the Regional Board of Zoning Appeals shall be held at such times as the Board shall determine. All meetings of the Regional Board of Zoning Appeals shall be open to the public. The Regional Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Regional Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Regional Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Regional Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of three hundred (\$300.00) dollars for the costs of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Regional Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Regional Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than sixty (60) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by an agent or by attorney.

4. Powers

The Regional Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Bedford County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Resolution to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Regional Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;

- c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; 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, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Resolution, the Regional Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Resolution.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 5.060, Sub-Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

5.070. LEGAL STATUS PROVISIONS

A. Conflict with Other Resolutions

In case of conflict between this Article or any part thereof, and the whole or part of any existing or future Resolution of Bedford County, Tennessee, the most restrictive shall in all cases apply.

B. Severability

If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.

ARTICLE VI EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope**
- 6.020 Nonconforming Uses**
- 6.030 Exceptions to Height Limitations**
- 6.040 Lots of Record**
- 6.050 Exception to Front Setback Requirements**
- 6.060 Agricultural Use of Land**

6.010. SCOPE

Article VI, of this resolution, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Article III and Article IV.

6.020. NON-CONFORMING USE

It is the intent of this resolution to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of the origins of this *Resolution* (January 14, 1998) is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this *aforescribed Resolution*. It is also the intent of this *aforescribed Resolution* to so administer the elimination of non-conforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, buildings, and structures existing at the time of the passage of this *aforescribed Resolution* or any amendment thereto shall be allowed to remain subject to the following provisions:

- A. An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same or higher classification provided, however, that establishment of another non-conforming use of a higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

- B. A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this *Resolution*. A non-conforming use of a building or buildings shall not be enlarged to additional lands or modify its use to an alternate activity after the effective date of this *Resolution*.
- C. Pursuant to 13-7-208 of the Tennessee Code, when a non-conforming commercial, industrial, or other business use of any structure or land, excepting non-conforming mobile homes or mobile home parks, has been discontinued for a period of thirty (30) months, it shall not be re-established or changed to any use not in conformity with the provisions of this resolution. At no time shall any other abandoned or discontinued non-conforming grandfathered use or upon the removal of a non-conforming mobile home or discontinuance of a non-conforming mobile home park be re-established after a period of thirty (30) months.
- D. Any non-conforming building or non-conforming use which is damaged by fire, flood, wind, or other act of God may be reconstructed and used as before, if it be done within one (1) year of such damage, in which case any repair or reconstruction shall be in conformity with the provisions of this *Resolution*.
- E. A non-conforming building or building that houses a non-conforming use shall not be structurally altered except in conformance with the provisions of this *Resolution*. These provisions shall not be construed to prevent normal maintenance, repairs, or alterations required for structural safety of non-conforming grandfathered structures.

6.030. EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this Article shall not apply to church spires, solar collectors, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts and aerials, and agricultural related buildings except those designated for human occupation as in residences or offices.

6.040. LOTS OF RECORD

The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this Resolution does not own sufficient land to enable him to conform to the yard or other requirements of this Resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Resolution. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as possible.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this Resolution, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

6.050. EXCEPTIONS TO FRONT SETBACK REQUIREMENTS

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

6.060. ABSOLUTE MINIMUM LOT SIZE

In no case shall the Zoning Director or the Board of Zoning Appeals permit a *residence* to be erected on a lot, vacant at the time of adoption of this zoning Resolution, whose width and the building line is less than seventy-five (75) feet and/or whose total lot areas is less than eight thousand (8,000) square feet, except as provided in Planned Unit Developments (PUD's).

6.070. AGRICULTURAL USE OF LAND

This Resolution shall not be construed as authorizing the requirement of Development Permits or Zoning Compliance Certificates nor providing for any zoning regulation of the erection, construction, or reconstruction of any agricultural building or structure on lands now devoted principally to agricultural uses or which may hereafter be used for agricultural purposes, except on agricultural lands adjacent or in proximity to state federal aid highways, public airports, or public parks, provided however, such buildings or structure is incidental to and principally used for an agricultural purpose or enterprise. Nor shall this Resolution be construed as limiting or affecting in any way or controlling the agricultural uses of land.

The Agricultural Use Category is characterized by activities related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, training, or keeping of livestock, poultry, swine, fish, cattle, and other animals for food, enjoyment, or other marketable products. This Use Category also includes silvicultural activities related to the planting, management, protection, and harvesting of trees for timber or other forestry products, as well as the breeding, raising, and keeping of equine. Accessory uses may include offices, storage areas, barns, stables, irrigation systems, agricultural processing for on-site uses, and repair facilities related to the applicable agricultural and silvicultural activities.

ARTICLE VII

DEFINITIONS

SECTION

7.010 Scope

2.020 Definitions

7.010. SCOPE

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

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "uses" or "occupied" includes the words "intended", "designed", "arranged to be used", or "occupied".
- F. The word "lot" includes the words "plat", "plot" or "parcel".
- G. The particular shall control the general.
- H. The word "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- I. In the case of any difference of meaning or implication between the text of this resolution and any caption, illustration, or table the text shall control.

- J. The word “permitted” or words “permitted as of right”, mean an activity, use, or structure is permitted without meeting the requirements for a conditional use permit.
- K. The words “permitted with supplemental provisions” means an activity, use or structure is permitted subject to a finding by the Zoning Director that the specific standards indicated for the use in question have been met.
- L. Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events shall apply.
 - 3. “Either or” indicates that the connected item, conditions, provisions, or events shall apply singularly but not in combination.
- M. All public officials, bodies, and agencies to which reference is made, except those which are specifically defined, are those of Bedford County, Tennessee.

7.020. DEFINITIONS

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this Resolution. Terms not herein defined shall have their standard dictionary definition or such as the context may imply. Definitions pertaining to flood hazards are contained in the Bedford County Floodplain Zoning Resolution, Article V of this Resolution, as amended.

Abutting – Having a common border with, or being separated from, such a common border by a right-of-way easement.

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

Accessory Buildings of Structures - A subordinate building (not the main building), the use of which is incidental to that of the principal building and located on the same lot therewith. A mobile home shall not be allowed as an accessory building under any circumstances.

Accessory Use - A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith, unless the district regulations permit another location for the accessory use (Off-site accessory parking facilities, for example, are permitted in certain zoning districts.).

Active Farming Operations – An “active farming operation”, as defined in this resolution, consists of land that is actively being utilized for the commercial production of farm crops, such as vegetables, fruit, fiber or grain, pasturage, dairy products, pollinators, apiaries, livestock, fish and poultry.

Activity – The performance of a function or operation which constitutes the use of the land.

Actual Construction - The excavation of a site and/or the placement of building materials in conjunction with the construction of a building or other structure.

Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are

distinguished or characterized by the depicting, describing of “Specific Sexual Activities” or “Specified Anatomical Areas”.

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

Adult Entertainment - Any exhibition of any adult-oriented motion picture, live performance display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of “Specified Sexual Activities”, including removal of articles of clothing or appearing unclothed.

Adult Motion Picture Theater - An enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined, for observation by patrons, therein.

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

Adult Theater or Adult Cabaret - A theater, nightclub, club, bar, restaurant, or similar commercial establishment which regularly features:

- A. Live performances, displays, or dances which have as their dominant theme or are distinguished or characterized by an emphasis on any actual or simulated “Specified Sexual Activities”

or “Specified Anatomical Areas”, or the removal of articles of clothing or appearing partially or totally nude; or

- B. Films, motion pictures, video cassettes, slides, or other video or photographic reproductions which are characterized by the depiction of “Specified Sexual Activities” or “Specified Anatomical Areas”.

Advertising - Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, vehicles, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roof board, frames, supports, fences, or other manmade structures, and any such advertising is a structure within the meaning of the work “structure” as utilized in this resolution.

Advertising Sign or Structure - See Sign.

Agricultural Use - This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry, bovine, equine, swine and other livestock, horticulture, viticulture, floriculture, forests, and woods, on lands consisting of fifteen (15) acres or more.

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

Agricultural Use (Intensive) – These agricultural uses include operations where animals are tightly confined in buildings or outdoor pens including operation of one or more of the following:

- A. **Dairy Farm**: This term means any place or premises where cows are kept and from which a part or all of the milk or milk products is provide, sold or offered for sale to a milk plant, transfer station or receiving station.
- B. **Egg Production House**: Means any place or premises where chickens are kept for production of eggs for resale to processors, wholesalers, or retailer.
- C. **Feedlot**: Means a lot, yard, corral, or other area in which livestock are confined primarily for the purposes of feeding, growing, raising, or birthing prior to slaughter. Feedlot does not include areas that

are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.

- D. **Agricultural Services**: This term is intended to encompass a wide variety of service activities that directly support production of crops and animals but are not in and of themselves agricultural activities.
- E. **Plant and Forest Nursery**: This category includes nurseries with or without retail sales or accessory greenhouses. A minimum of fifty-one (51) percent of all materials sold by a nursery must be grown on-site to be considered an intense agricultural use for the purposes of these ordinances.

Agricultural Accessory Use - Those structures or equipment which are normally required in the operation of agricultural uses.

Agricultural Processing - A building, facility, or area either open or closed or any location for the refinement, treatment, or conversion of agricultural products where physical, chemical, or similar change of an agriculture product occur. Examples of agricultural processing include fruit dehydrators, cold storage, hulling, sorting, smoking, cleaning, packing or storage of agricultural products for sale or shipment in their natural form. Agricultural Processing does not include commercial canneries, bakeries, breweries, or manufacturing of secondary products using agricultural products.

Airport - Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

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

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

Alternative Tower Structure - Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Amenity Incentive - An increase in the floor area or density otherwise not permitted in a zoning district for the provision or specified amenities.

Ancillary Appurtenances – Equipment associated with a wireless communications facility including, but not limited to: antennas, attaching devices, transmission lines, and all other equipment mounted on or associated with a wireless communications facility. Ancillary appurtenances do not include equipment enclosures.

Antennas – Any apparatus, or group of apparatus, designed for the transmitting and/or receiving of electromagnetic waves that includes, but is not limited to, telephonic, radio, cellular or television communications. An “antenna” includes any omni-directional (whip) antenna, sectorized (panel) antenna, or parabolic (dish) antenna. An “antenna” does not include a satellite earth station.

Antenna, Dish: A parabolic, spherical, or elliptical antenna intended to receive wireless communications.

Antenna, Panel: A directional antenna designed to transmit and/or receive signals in a directional pattern that is less than three-hundred-sixty (360°) degrees and is not a flush-mounted or dish antenna.

Antenna, Whip: A cylindrical, omni-directional antenna designed to transmit and/or receive electromagnetic signals in a three hundred-sixty (360°) degree pattern.

Antenna Supporting Structure: A vertical projection, including a foundation, designed, and primarily used to support one (1) or more antennas or which constitutes an antenna itself. Antenna-supporting structures do not include stealth wireless communications facilities, but does include roof-mounted antenna supporting structures that extend above the rooflines by more than twenty (20) feet, or that have heights of greater than fifty (50) feet. Antenna-supporting structures are not considered to be utility equipment.

Apartment Dwelling – (See Article VII, Section 7.020 "Dwelling".)

Aquaculture – Land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

Aquifer – A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area – An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

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

Arterial Road or Street – A road so designated on the Bedford County Mayor Thoroughfare Map.

Attached – An enclosure having continuing walls, roof, and floor.

Automobile Dismantlers and Recyclers – Any person, firm, association corporation, or trust resident or nonresident, who is engaged in the business and/or providing facilities for the purpose of recovering parts from automobiles and trucks, which have been wrecked or otherwise rendered inoperable as transportation vehicles with the parts recovered being for resale and further reduce used automobiles and trucks to a condition capable of salvage for the metal scrap content by scrap processors.

Automobile Graveyard – Any lot or place of business which is exposed to weather and upon which three (3) or more inoperative motor vehicles, of any kind, not currently registered and/or tagged, are placed, located, found, maintained, dismantled, bought, or sold in whole or in part. This definition also includes Automobile Wrecking and Automobile Salvage Yards.

Automobile Racing (Racetrack) – Any track used for competitive racing of automobiles where more than one automobile is on the track racing against another. This does not include amusement style go-carts or stock automobile time-trials where only one automobile is on the track racing against a clock. Additionally, this does not include the exhibition of antique or collectable automobiles.

Automobile Wrecking - Any lot or place that is exposed to the weather where five or more motor vehicles of any kind that are inoperable and not currently licensed. Automobile Wrecking includes the selling of parts and the incidental crushing of cars to create a scrap vehicle.

Average Ground Elevation - The elevation of the mean finished grade at the front of a structure.

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

Base Plane - The base plane is a horizontal plane from which the height of a building is measured. It is utilized in most lower-density and contextual districts, and for property subject to flooding. Often, the base plane is at curb level; on sites that slope upwards or downwards from a street, or on large lots where buildings are far from a street - or no curb exists, the base plane is adjusted to more accurately reflect the average level at which the building meets the ground.

Bed and Breakfast - A bed and breakfast establishment means a private home, or other unique residential facility offering at least one daily meal and having no more than three (3) guest rooms furnished for pay with guests staying no more than fourteen (14) days, and where the innkeeper resides on the premises or property or immediately next to it. A Bed and Breakfast home is allowed only in a building originally constructed as a one (1) family dwelling subject to the provisions prescribed in the zone district where the use is located and by the specific use regulation found in Article III, Section 3.160.

"Bedroom" means, a room in a residential dwelling large enough to accommodate a bed, having a closet, and in addition, immediate access to a full bathroom. Any room deemed a ***bedroom*** by the Codes Official shall also have code-compliant emergency egress areas.

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

Boarding House - (See Article VII, Section 7.020 "Dwelling".)

Borrow Pit - Any place or premises where dirt, soil, sand, gravel, or other materials is removed below the grade of surrounding land for any purpose other than that necessary and incidental to the site grading or building construction.

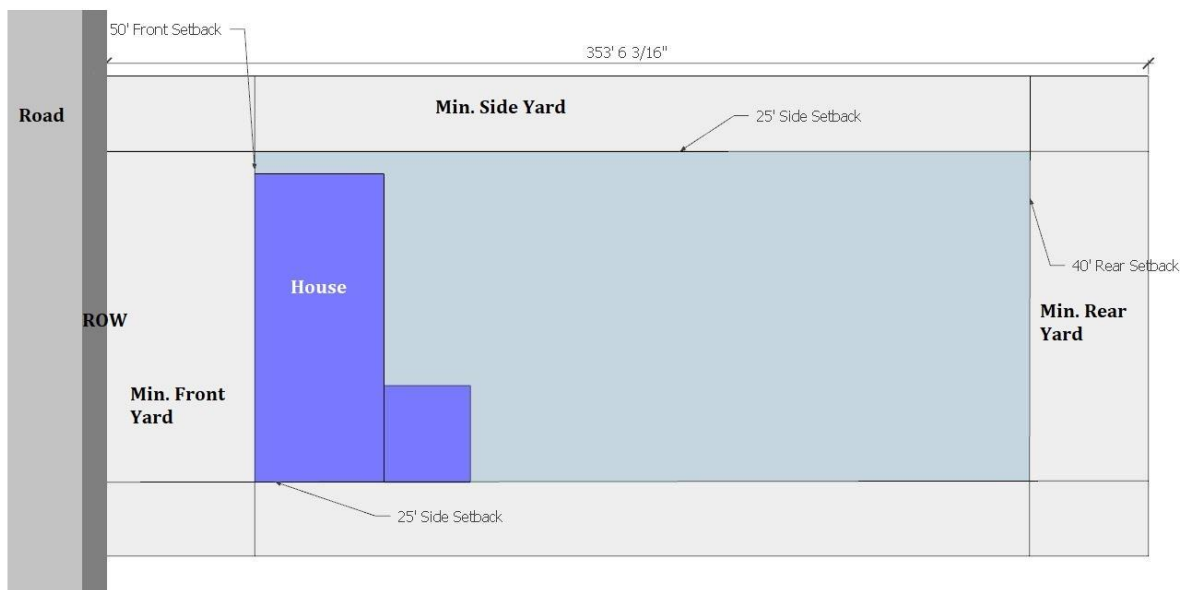
Bric a Brac Market - see Flea Market.

Buffer (for firing ranges only) - shall be composed of five (5) rows of evergreen trees spaced not more than forty (40) feet and each row shall be staggered.

Buffer Strip - A greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of at least one (1) of the defined buffer strips more specifically defined in Article II, Section 2.090 or some other form of an aesthetically designed buffer that will conceal activities or uses from view by adjoining lot or district.

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

Building Area of a Lot - That portion of a lot bounded by the required front and rear yards, side yards, and the building setback lines. The area of the lot that can be built upon.



Building Envelope - A building envelope is the physical separator between the conditioned and unconditioned environment of a building including the resistance to air, water, heat, light, and noise transfer.

Building Height - Building height refers to a building's elevation as measured from the curb level or base plane to the roof of the building (except for permitted obstructions, such as elevator bulkheads or fireplace chimneys).

Building Main or Principal - A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main or principal building on the lot on which it is situated.

Building Setback Line - A line delineating the minimum allowable distance between the property line and a building on a lot, within no building or other structure be placed, except, as otherwise, provided.

Building Setback Line, Front - A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line and the front of a building on lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

Building Setback Line, Rear - A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

Building Setback Line, Side - A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

Building Story – To be defined as not greater than fourteen (14) feet in height. [See also definition for ‘**Story**.’]

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

Bulk – Bulk regulations are the combination of controls (lot size, floor area ratio, lot coverage, open space, yards, height, and setback) that determine the maximum size and placement of a building on a zoned lot.

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

Canopy – A permanent covering with unenclosed sides that is traditionally used to protect service islands at a petroleum retail or wholesale establishment from inclement weather.

Car Wash – An area of land and/or structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery - Any land or structure dedicated to and used, or intended to be used, for the interment of human remains. Cemetery refers to all types of cemeteries, public or private, including family burial grounds.

Cemetery, Private – Meeting the definition above but only for the interment of family members, not for profit.

Cemetery, Commercial – A cemetery meeting the definition of a Cemetery, intended and/or used for a profit (e.g., the sale or transfer of cemetery lots to anyone).

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

Child Care - the provision of supplemental parental care or supervision and protection of the basic needs of at least five (5) children who are not related to the primary care givers for at least three (3) hours per day but less than twenty-four (24) hours per day and licensed by the State of Tennessee.

Child Care Facilities – A Child Care Facility that is licensed by the Department of Children’s Services of the State of Tennessee as categorized below. Programs and facilities exempt from licensing as per Tennessee Code, Section 71-3-503, shall be permitted provided that they are secondary to a facility that is an allowable use. Exempt from this section are nursery schools, kindergartens, or other facilities the primary purpose of which is educational or medical. Childcare facilities include the following:

- A. **Childcare Center**: A facility that provides childcare for thirteen (13) or more children. Children aged thirteen (13) or older who are related to the primary care giver are not included in the total provided that the facility is the occupied residence of the primary care giver.
- B. **Drop-in Center**: Is a place or facility that provides casual care for children who are not regularly enrolled at the facility. Such facility shall be operated in connection with a business establishment, recreational facility, or similar activity where children are cared for during short periods of time not to exceed ten (10) hours per week and for no more than six (6) hours each day for any individual child, while the parents are engaged in short term activities such as shopping, recreation, but not including employment.
- C. **Family Childcare Home**: A facility that provides childcare for at least five (5) children but less than eight (8). Children aged thirteen

(13) or older who are related to the primary care giver are not included. The place or facility must be in the occupied residence of the license applicant (primary care giver).

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

Clinic – (See Article VII, Section 7.020 “Medical Facilities”.)

Church or Place of Worship – The premises, site, and/or facility used primarily or exclusively for religious worship and related religious services or established place or worship, retreat site, camp, convent, seminary, or similar facility operated by a religious group for religious activities.

Clear-Cutting – The indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for non-agricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left undisturbed; removal of dead trees; or normal mowing operations.

Cluster Housing Development - A development whereby open space is preserved by permitting a subdivider to develop smaller lots than specified in the zoning district, coupled with the requirement that the land saved be reserved for permanent open space. The number of units allowable shall be based upon total acreage of the tract to be developed, including the area reserved for open space. (See also Article VII, Section 7.020 “Planned Development”.)

Collocation: A situation in which two or more providers place an antenna on a common antenna-supporting-structure, or the addition or replacement of antennas on an existing structure. The term collocation includes combined antennas but does not include roof-mounted or surface-mounted wireless communications facilities, or the placement of any personal wireless service antenna on an amateur radio antenna within a residential district.

Commercial Complex – A commercial complex shall mean two (2) or more buildings constructed or to be constructed upon a zoned lot and used or designed to be used for two (2) or more occupancies.

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

Commercial Use – An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Commercial, Non-Public Utility Power Generating Facility - Commercial facilities designed to generate income from electricity generating facilities and related components with the intent and function of generating an electrical product for sale, the delivery of electricity in connection with the provision of energy services for a fee, or the lease of such electricity generating facilities and related components for a fee (see also NPU).

Common Open Space - A parcel or parcels of land and/or an area of water within the site designated, designed, and intended for benefit, use or enjoyment of the occupants of said development. “Common Open Space” may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

Communication Tower – Means commercial AM/FM radio, television, microwave, Internet, cellular telephone, or any other wireless signals transmission towers and its necessary accessory equipment and buildings.

Community Assembly – An establishment providing meeting, recreational, or other social facilities for a private or non-profit association, primarily for use by members and guests. This term also includes community centers.

Community Center – A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Completely Enclosed – Refers to a building or other structure having a roof and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods, or vehicles.

Conditional Use (Special Exception) – A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the

neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, only when a specific provision for such use is made in this Resolution. For the purposes of administration of this resolution, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section § 13-7-107, Tennessee Code Annotated.

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

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

Convenience Services – Services which are typically needed frequently or recurrently, such as barber and beauty care, and includes the operation of self-service laundromats but excludes other apparel, cleaning, and repair services.

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

Curb Level – The mean of the elevations of the side lot lines extended to the street line.

Curb Line – The line formed by a curb extending along its roadbed or street bed.

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

County Commission - The elected legislative body of Bedford County, Tennessee.

Day Care Home or Center – (See Article VII, Section 7.020 “Childcare Facility”.)

Density – Density refers to the maximum number of dwelling units permitted on a zoned lot. The factors for each district are approximations of average unit size plus allowances for any common areas expressed in dwelling units per acre.

Detached – A building which is surrounded by yards or other open area on the same zoned lot, not otherwise attached to any other structure.

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

Development - Any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities, for example, plowing, fencing, cultivating, and gardening activities, are not included in this definition of development.

Development Area – The minimum amount of land area required for each dwelling unit located upon a zoned lot. The minimum lot size provision shall apply to all lots within the district. However, the minimum development area provision may require a lot larger than the minimum lot size where the intended intensity or use would so require.

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

Distillery - A facility that produces alcoholic beverages, distilled spirits in quantities that exceed 25,000 U.S. gallons per year, and which may include bottling, storage, and aging facilities, as well as an area devoted to the sampling or retail of spirits and spirits-related products.

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

Dormitory – A facility providing group living quarters for a student body, or other group as an associated use to a college, university, academy, boarding school, orphanage, religious institution, or other similar use. This term is intended to include university dormitories as well as fraternity or sorority houses.

Drive-In Facility – Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.

Drive-In Restaurant – (see Article VII, Section 7.020 “Restaurant, Fast Food”.)

Dust Free Surface – For the purposes of this resolution, dust free shall be defined as any surface which is concrete or asphalt, or double-bituminous only when approved by the planning commission. With the exception of single-family or two-family dwellings, all other types of land uses shall have their access points, parking aisles, and parking areas surfaced in a dust free manner.

Duplex Dwelling - See Article VII, Section 7.020 "Dwelling".)

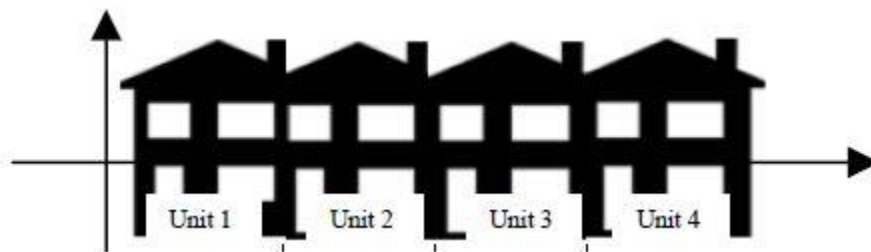
Dwelling - A building or part thereof used for habitation under one of the following categories:

- A. **Single Detached Dwelling** - *Means* a building and accessories thereto principally used, designed, or adapted for use by a single household.
- B. **Duplex Dwelling** - *Means* a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.
- C. **Apartment Dwelling** - *Means* a building and accessories thereto principally used, designed, or adapted for use by three (3) or more households, each of which has separate living quarters.
- D. **Accessory Dwelling** – *Means* a separate dwelling on the same property as the principle dwelling, intended to be rented, or, used by a family member.
- E. **Rooming House** - *Means* a dwelling or other residential structure in which lodging facilities are supplied for no more than six (6) people over an extended period and distinguished separately from a tourist home.
- F. **Boarding House** - *Means* a building other than a hotel or motel where, for compensation and arrangement, meals and lodging are

provided for three (3) or more persons, but not exceeding twenty (20) persons.

- G. **Town House** – *Means* a one-family dwelling unit, with a private entrance, which is part of a structure of three (3) or more dwelling units that are attached horizontally in a linear arrangement, and having exposed front and rear walls to be used for access, light, and ventilation. (Same as an attached structure.)
- H. **Multi-Family** - *Means* more than one (1) dwelling unit per structure. Each unit is individually owned along with the land on which the dwelling unit sits. There shall be a maximum of six dwelling units in any single multi-family building.

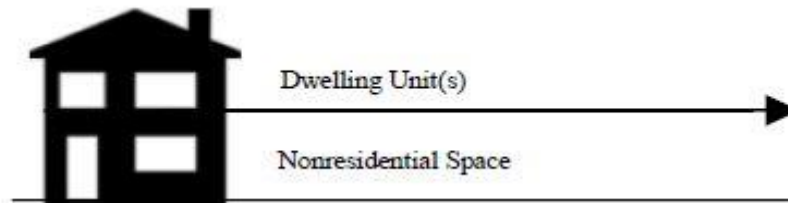
- Dwelling units shall be arranged horizontally in a linear arrangement, having a totally exposed front and rear wall to be used for access, light, and ventilation.



2. Each dwelling unit shall have at least one separate, exterior entrance on ground level, with no common interior space shared between dwelling units.
 3. Individual dwelling units shall be distinguished from adjacent dwelling units by creating variations within the front façade. Such variations may include changes in materials, texture, color or detail, a change in wall plane, or a change in roofline.
- (2) Side elevations visible from a public street shall be designed in keeping with the design elements of the front façade of the corresponding dwelling unit and shall, at a minimum, provide fifteen (15) percent door and window fenestration on exterior walls.
 - (3) Buildings shall be oriented toward the street, or private drive if internal to the development, and designed with front porches or stoops along the front façade.

- (4) There shall be a minimum of forty (40) foot of separation between buildings.
- (5) Parking areas, including garages, shall be located in the rear of the building.
- (6) A five (5) foot contiguous sidewalk shall be required along the entire length fo the front façade of each building within the development. These sidewalks shall also provide access to rear parking areas.

- I. **Group Housing Development** – (See Article VII, Section 7.020 "Group Housing Development".)
- J. **Condominium** – Means the fee-simple ownership of single residential units in a multiple-unit structure or structures with common elements. Dwelling units shall be permitted on the second floor of a building in which the first floor is occupied by one or more non-residential uses.



- K. **Cluster Residential Development** – Cluster development, also known as conservation development, is a site planning approach that is an alternative to conventional subdivision development that groups residential properties in a proposed subdivision closer together and on smaller lots in order to use the rest of the land for open space, recreation or agriculture. Cluster development differs from a PUD due to the fact that a PUD contains a mix of residential, commercial, or other uses, whereas the cluster development primarily focuses on residential uses.
- L. **Prefabricated Dwelling** - *Means* a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to public or on-

site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this resolution when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.

- M. **Mobile Home or Trailer** - Means a vehicular, portable structure built on a transportable chassis, manufactured after the year 1996 A.D.; or manufactured prior to the year 1996, after having a licensed electrician install wired smoke detectors backed up by battery, which remains intact, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of a mobile home.
- N. **Tiny Home** – Means a dwelling that is 400 square feet (37m²) or less in floor area, excluding lofts, that is manufactured, off-site, to meet or exceed the adopted International Residential Code regulations. Tiny homes are manufactured to be moveable and with wheels but for the purposes of this resolution shall be rendered immovable and on permanent foundations.

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

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

Dwelling, Semi-Detached – A building containing two (2) adjacent dwelling units that share a common wall at the lot line and that is separated from other structures.

Easement – The right given by the owner of land to another party (either public or private) for a specific limited use of the land. A private ingress/egress easement does not constitute a public right-of-way which may be eligible for public dedication and acceptance as a public dedication and acceptance as a public road.

Easement, Utility – The right granted by the owner of land to allow utility facilities is not limited to, easements for storm drainage, water lines, sewer lines, electric to be constructed, maintained, or preserved. Utility easements shall include, but not be limited to: power lines and pipe lines.

Easement, Ingress/Egress – The right granted by the owner of land to another party by deed or prescription, to allow vehicular access across one (1) parcel of land to another.

Educational Institutions -

- A. Public and Private Nursery Schools
- B. Kindergarten, Primary, Elementary and Secondary Schools

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

Emergency Shelter – A facility providing temporary housing for one (1) or more individuals who are otherwise homeless.

Entertainment and Amusement Services (limited) – A recreational activity operated as a profit-making enterprise, conducted entirely within an enclosed building and serving groups of less than one hundred (100) assembled spectators and/or participants.

Environmental Open Space - A parcel or parcels of land and/or an area of water within the site designated, designed, and intended for protection of the natural landscape or certain specified resources.

Essential Public Transport, Communication And Utilities Services - Those utilities that are essential in providing service to the immediate area or locality including electrical and gas substations; gas, water, and sewer distribution lines; utility and some communications towers (not including cellular); pumping facilities for water and sewer systems, telephone switching facilities; or other similar uses. These facilities operate primarily as distribution networks and do not include production, storage or processing facilities for the product or service being distributed.

Equipment Enclosure: An enclosed structure, cabinet, or shelter used to contain radio or other equipment necessary for the transmission or receptions

or wireless communication signals, but not primarily to store equipment or to use as habitable space.

Extensive Impact Facilities – This is a diverse grouping of facilities that share the characteristic of potentially exerting high-level impacts upon surrounding properties. While the nature of the impact varies with the particular use, all the activities included within this grouping must be carefully managed if surrounding activities are to be adequately protected from adverse characteristics associated with the activities included within this grouping.

FAA – Federal Aviation Administration.

Family - One of the Following:

- A. One or more persons related by genetics, marriage (as recognized by the State of Tennessee) or adoption occupying a dwelling unit and living as a single independent, nonprofit housekeeping unit, together with incidental servants and temporary non-paying guests.
- B. A group of not more than five (5) unrelated persons living together as a single nonprofit housekeeping unit and thus sharing expenses such as rent and utilities or other maintenance duties or expenses as opposed to from a group occupying a boarding or lodging house or other similar dwelling or group use.
- C. A group of unrelated handicapped persons as defined Title VIII, of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, occupying a single dwelling unit and living as a nonprofit housekeeping unit provided such facility is owned or operated by a registered Tennessee “not for profit” association as per the Federal Code and is licensed by the State of Tennessee.

Farm – A parcel of land equal to or exceeding fifteen (15) acres in size and having an “agricultural use” as defined in this section, and meeting the following conditions:

- A. The parcel must be used principally for an “agricultural use”, including but not limited to general farming, dairying, pasturing, horticulture, floriculture, viticulture, apiary, planned-forestry, the care/maintenance and husbandry of livestock, poultry, fish and care/training and husbandry of equine animals.

Family Burial Grounds - A zoned lot in private ownership which may contain one or more sites used or intended to be used, for interment of human remains, for the benefit of the owners of the lot or their immediate family members.

FCC – Federal Communications Commission.

Feed Lot – A parcel, lot, yard, corral, or other area in which livestock are confined for a limited period of time primarily for the purposes of feeding, growing, raising, or birthing prior to slaughter. Feed lot does not include areas which are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.

Fence or Wall – An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Festival – A non-profit managed temporary celebration marked by special observances or entertainment.

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

Fishery - A privately owned site where five thousand (5,000) pounds of fish per year are raised for commercial sale.

Flea Market – An occasional or periodic sales activity held within a building, structure, or outdoor open area, on an appropriate commercial zone lot and with approval from the Board of Zoning Appeals, where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage and yard sales. Outdoor flea markets may not operate as full-time businesses.

Flood – (see Article V., Provisions Governing Floodplain Districts)

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

Food Truck – means a licensed, permitted, insured, motorized vehicle, designed and fitted with approved and sanitary food-service/preparation or cooking fixtures which is solely operated by the owner(s) and/or the addition of one (1) non-owner employee, temporarily stored on a privately-owned lot where food items are conveniently sold to the general public.

Forestry Activities - Activities conducted on or directly pertaining to forest land relating to the growing, management, harvesting, and interim storage of merchantable timber for commercial sale, as part of an official Forestry Plan by the State Dept. of Forestry.

Frontage – All property on one side of a street between two intersecting streets measured along the line of the street. For dead-end streets; all property abutting on one side between an intersecting street and the dead end of the street. Also, the distance between two side-boundary lines of a parcel where they both intersect with the roadway.

Funeral Home – A building or part thereof used for human funeral services and includes all related services, such as embalming, autopsies, and the storage of all funeral related supplies and equipment.

Garage, Private – A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Garage, Public – A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles (see Parking Lot).

Garage, Repair – A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, painting, and body work.

Garbage - Food waste, animal waste, dead or decomposing animal matter, and dead or decomposing vegetable matter, and any dead or decomposing matter whether or not it originally constituted human or animal food.

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

General Business and Communications Services – A commercial activity engaged in providing services to other commercial enterprises.

Glare – A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Governing Authority – Governing authority of Bedford County, Tennessee.

Government Services - A building, structure, or area owned or operated by a Federal, State, Municipal, or Bedford County governmental agency used for the purposes of providing a governmental service. This does not include proprietary functions such as speculative industrial buildings, buildings used for retail trade or spaces rented to private parties.

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

Grandfathered – A provision in the resolution that exempts previously existing and ongoing specific activity or use from new regulations that would otherwise prevent engagement in that activity or use. A grandfathered commercial use is a commercial use, non-conforming to new regulations, that must have begun prior to the adoption of the new rule or regulation that prohibits that specific use in the zone lot and the non-conforming grandfathered use shall not be neither enlarged nor modified into another separate (non-related) activity or use. Grandfathered Commercial uses do not affect the actual zoning of the property. An abandonment of a grandfathered use is deemed to have been acknowledged if it has been so abandoned for a period of thirty (30) months. Abandonment of a grandfathered use eliminates the ability for a property to further enjoy that non-conforming use. Grandfathered uses go with the land, not the owner.

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

Guyed Tower: A style of antenna-supporting-structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires that are connected to anchors placed in the ground or on a building.

Hatchery - A site where the hatching or raising of more than five thousand (5,000) head of poultry within one (1) year in a confined area.

Hazardous Substances – Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Occupancy – The principal use of a building or structure, or any portion thereof, that involves the manufacture, use or storage of highly combustible, flammable, or explosive materials that constitute a high fire hazard and as further defined in Chapter Four (4), Special Detailed Requirements Based On Use And Occupancy, in the International Building Code of 2015.

Health Department - The Bedford County Health Department.

Health Recreational Facility – An indoor facility including uses such as game courts, exercise equipment, locker rooms, swimming pools, Jacuzzi, and/or sauna and pro shop.

Height – When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

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

Historical Villages – A Historical Village, in the context of a Rural Village Neighborhood Overlay Zone, is an unincorporated named crossroad community, village, hamlet, or named rurally situated commercial area, existing and/or referenced on any published Bedford County, Tennessee map(s) of at least fifty (50) years of age.

Home Occupation – (See Article III, Section 3.020.)

Homeless Shelter – A facility providing, without charge, single night, temporary lodging, with or without meals, for people with no ordinary or regular home or residence address. Such shelters should not be providing lodging on a regular basis to the same individuals. These uses are operated by not-for-profit organizations or other charitable organizations.

Homeowners Association – A formally constituted nonprofit association or corporation made up of the property owners and/or residents of a fixed area;

and which may take permanent responsibility for costs and upkeep of semi-private community facilities.

Hospital - See Medical Facilities.

Hotel – A facility offering transient lodging accommodation on a daily rate to the general public and may provide additional services, such as restaurants, meeting rooms and recreational facilities. This term also includes motel, resort, and travel lodge.

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

Impervious Area - The area of a site covered by man-made construction that seals the soil surface and thus eliminates or greatly reduces rainwater infiltration and natural groundwater recharge. Included in this area shall be all buildings, paved surfaces, areas of compacted gravel or stone, or any other similar construction not allowing rainwater to readily pass into the ground.

Inoperative Motor Vehicle – A motor vehicle that cannot be cranked, started and/or lawfully driven upon public roads for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Intermediate Impact Facilities – This classification includes a diverse listing of activities that share the characteristic of exerting a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements or potential nuisances associated with such uses.

Junk - Old dilapidated or scrap metals, copper, brass, rope, rags, batteries, paper, trash, rubber, mattresses, debris, waste, or junked, dismantled, or wrecked automobiles, or parts of junked, dismantled or wrecked automobiles, iron, steel, and other old or scrap ferrous or nonferrous material.

Junk Motor Vehicle - Any automobile, motor vehicle or the metal scraps and remains of the foregoing items, which are incapable of being operated and which it would not be economically practical to make operative and which are not fully placed or located within and fully surrounded by a substantial and durable building. The term shall not include items on the premises or establishment constituting automobile graveyards within the meaning of

Tennessee Code, Section 54-20-201, et. seq., or establishments having facilities for processing scrap metal.

Junkyard- means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk. “Junkyard” includes scrap metal processors, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation.

Kennel - Any premises, except where accessory to an agricultural use, where four (4) or more adult domestic animals (such as dogs and cats) not owned by the occupant of the premises are kept, boarded, bred, or trained for commercial purposes.

Landfill – A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volumes, and applying cover material over all exposed waste at the end of each operating day.

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

Landscaping – The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, earthen berms, retaining walls, street furniture, sculptures or other art objects, and similar accessory features may be considered as landscaping if integrally designed.

Landscaping Buffer Strip – (See Article VII, Section 7.020 “Buffer Strip”).

Lattice Tower: A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which tapers from the foundation.

Laundry, Self Service – A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

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

Litter - Particles of items of trash, rubbish, wastepaper, or garbage lying or scattered about.

Livery or Boarding Stable – Any parcel of land which is utilized to board ten (10) or more horses which are owned by persons not residing on the premise.

Livestock – A term meant to include cattle, sheep, swine, poultry, horses, and other animals or fowl that are being produced primarily, but not exclusively, for use as food or food products for human consumption.

Livestock, Dairy, Poultry Structure – Any building, structure, installation, storage, container, or storage site used in the operations of a livestock, dairy, or poultry facility, including but not limited to, feed storage bins, litter storage sites, incinerators, manure storage sites, poultry disposal pits, and dead poultry cold storage chests.

Livestock Yards – An enclosure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

Loading Space - An area ten (10) feet by fifty (50) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

Lodging House – This is a general term and includes all places of semi-transient residential occupancy (as herein defined). The term lodging house is intended to include dormitories, rooming houses, boarding houses, apartment hotels, residential hotels and all similar facilities coming within the general definition of semi-transient residential activities.

Lot - A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal buildings and their accessory buildings, including the open spaces required under this resolution.

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

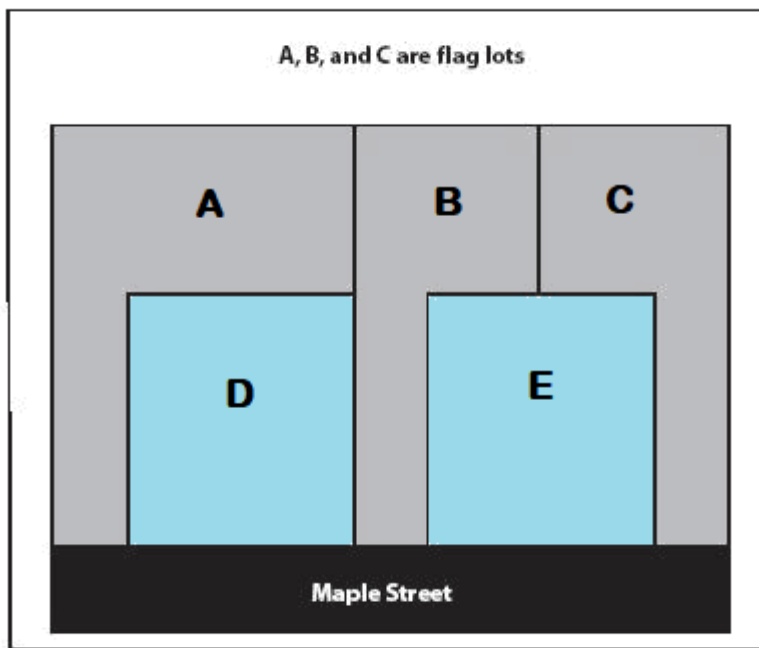
Lot, Corner - A lot of which at least two (2) adjoining sides abut their full-lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

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

Lot, Flag (not permitted) – A single lot with access provided to a public street, right of way, or private easement by means of a narrow (less than one hundred [100'] feet in width), strip of land, hereinafter referred to as the *staff* portion of a flag lot, that opens to a larger *flag* shaped building envelope (see Figure 1.). Characterized as being shaped like a flag and flagpole staff (see Figure 1.).

The development of flag lots are prohibited as they create an undue burden on roadways and traffic systems by permitting more ingress/egress points along the public roadway than would be permissible with traditionally designed lots. Every care shall be taken to promot high density traffic ingresses and egresses to a single controlled or signalized point of entrance. Flag lots are, thus, considered a public safety hazard and are not permitted.

Figure 1.



Lot, Flag-Shaped (Permitted) - A lot, whose shape would normally meet the definition of a flag lot, but which deviates from the published definition of said lots, having an amount/distance of road frontage along the staff portion of said lot equal to or exceeding one hundred (100') feet. Said minimum frontage width being fully maintained from the public road, right of way, or easement appurtenant the entire distance to the flag portion of said lot (example: see Art. II, Section 2.120)(B.)(see Figure 2.).



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

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

Lot, Lines - The boundary dividing a given lot from the street, and alley, or adjacent lots.

Lot of Record - A lot which is part of a subdivision recorded in the office of the Bedford County register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning resolution.

Lot, Through – A lot having its front and rear yards each abutting on a public street.

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

Manufactured Home – (see Article VII, Section 7.020 “Dwelling”, *Mobile Home*.)

Manufactured Home Space – A designated area within a mobile home park for the exclusive use of the occupants of a single home.

Manufacturing (Basic Industry) – An establishment engaged in basic processing, conversion and manufacturing of materials or products predominantly from extracted raw material or manufacturing processes utilizing flammable or potentially explosive materials or storage or manufacturing processes that involve commonly recognized offensive conditions, other than those classified in the Hazardous Operations Activity Type.

Manufacturing (General) – This grouping includes all manufacturing operations excepting those classified as Basic Industry or Hazardous Operations.

Manufacturing (Hazardous Operations) – Any establishment engaged in storage, processing and/or transport of raw materials or finished goods classified as hazardous including materials, processes and/or activities that may present serious hazards to human life and health.

Manufacturing (Limited) – An establishment primarily engaged in the on-site compounding, processing, fabrication, assembling and packaging of materials by the use of hand or small power tools, and may include the incidental direct sale of those goods to consumers.

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

Medical Facilities: There are hereby five (5) distinct types of Medical Facilities described herein below:

- A. **Centers for Observation or Rehabilitation** - A licensed medical facility wherein services more intensive than those required for

room, board, personal services and general nursing care are provided to an in-patient population, but which involves no form of forced residency of the type required within drug and alcohol rehabilitation facilities.

- B. **Convalescent, Rest or Nursing Home** - A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- C. **Dental Clinic or Medical Clinic** - A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.
- D. **Hospital** - An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.
- E. **Public Health Center** - A facility utilized by a health unit for the provision of public health services.

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

Micro Distillery or Craft Distillery - A small, boutique-style facility that produces alcoholic beverages in small batches, distilled spirits intended for human consumption, in quantities not to exceed fifteen thousand (15,000) U.S. gallons per year, and which may include bottling, storage, charcoal filtering and aging facilities, as well as an area devoted to the retail sales of spirits and spirits-related products.

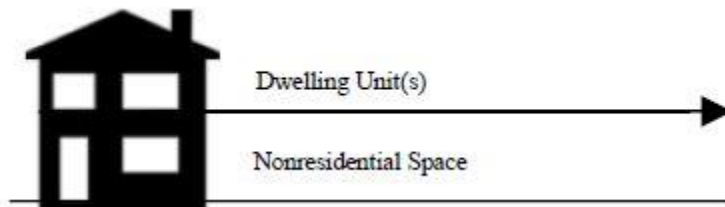
Minimum Fire Flow - For purposes of this Resolution the term “minimum fire flow” shall mean a five-hundred gallon per minute (500 gpm) water flow calculated at a twenty pound per square inch (20 PSI) residual pressure delivered from a water line that is six (6) inches or greater in diameter.

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

Mining and Quarrying Activities – An establishment engaged in excavation or extraction of any earth products or natural mineral deposit, except where such excavation is for purposes of grading for a building lot or a roadway, where grass sod is removed to be used for landscaping, or where materials are extracted for use on that same lot by the owner of the property. Specifically excluded from this is grading and removal of dirt associated with an approved site plan or subdivision, the removal of topsoil when associated with a legitimate business, or excavations associated with and for the improvement of a bona fide agricultural use.

Mini-Storage Warehouses – (See Article VII, Section 7.020 “Self-Service Storage Facilities”.)

Mixed Use Building – A building containing residential activities along with commercial and/or community facilities and/or activities.



Mobile Home - See Article VII, Section 7.020 "Dwelling".

Mobile Home Park – Any area, tract, site, or plot of land whereupon mobile homes are placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

Modular Home – (see Article VII, Section 7.020 “Dwelling”.)

Motel – (See Article VII, Section 7.020 “Hotel”.)

Motor Vehicle – Every vehicle which is self-propelled including every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Monopole Tower: A style of free-standing antenna-supporting-structure that is composed of a single shaft that is attached to a foundation. This type of antenna-supporting-structure is designed to support itself without the use of guy wires or other stabilization devices. These structures are mounted to a foundation that rests on or in the ground or on a building’s roof.

Mounted (Flush) Antenna: An antenna that is attached flush to an antenna-supporting-structure, without the use of side arms or other extension devices.

Mounted (Roof) Antenna: Directly attached or affixed to the roof of any building or structure other than a tower. This type of installation is sometimes called a freestanding roof mounted antenna.

Mounted (Surface) Antenna: An antenna that is attached to the surface or façade of a building or structure other than an antenna-supporting-structure.

Multi-Family Dwelling – (See Article VII, Section 7.020 "Dwelling".)

Noncomplying – Any lot of record that does not contain sufficient lot area to conform to the area requirements for the zoning district wherein the lot is located; and

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

These issues existing either on the effective date of this resolution or as a result of any subsequent amendment.

Nonconforming Lot - A lawful lot-of-record that is below the minimum lot size for the zoning district or fails to meet dimensional requirements as of the effective date of this Resolution. Nonconforming lots-of-record may not be modified with the exception of being increased in size and/or brought into a conforming status.

Nonconforming Use - A lawful building, structure, or use of land existing at the time of enactment of this resolution which does not conform to the regulations of the district in which it is located. Nonconforming uses transfer with the land, not the owner, and may continue uninterrupted until the said nonconforming use has been abandoned for one (1) year. Nonconforming uses may not expand or increase in size or scope and structures housing nonconforming uses may not increase or be modified in any manner except as to be maintained.

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

NPU – Commercial facilities designed to generate income from electricity generating facilities and related components with the intent and function of generating an electrical product for sale, the delivery of electricity in connection with the provision of energy services for a fee, or the lease of such electricity generating facilities and related components for a fee.

Occupancy – The principal use of land for the performance of a function or operation by a person, firm, corporation, or association as a single legal entity. For the purposes of this resolution there shall be only one (1) principal use of land by anyone (1) person, firm, corporation, association or legal entity.

Office – A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Office Park – An area on the same lot, designed and dedicated for the development of multiple buildings used for non-manufacturing business offices, except as otherwise provided in this resolution.

Open Space – Any land or area within the boundaries of a development (residential, commercial, or industrial), the preservation of which in its present use would:

- A. Conserve and enhance natural or scenic resources;
- B. Protect streams or water supply;
- C. Promote the conservation of soils, wetlands, or other environmentally sensitive areas;
- D. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries; or
- E. Enhance recreation opportunities.

Ordinance – A use engaged in the manufacturing of weapons, ammunition, combat vehicles and necessary maintenance tools and equipment.

Outdoor Storage – The keeping, in an unroofed area, or any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Overlay District – Overlay zoning is a regulatory tool that creates a special zoning district, placed over and existing base zone(s), which identifies special provisions in addition to those in the underlying base zone. The Overlay district can share common boundaries with the base zone or cut across base zone boundaries. Regulations or incentives are attached to the Overlay district to protect a specific or sensitive resource or guide development within a special area (i.e., Historic Overlay, Airport Overlay, and Gateway Overlay).

Overall Density – The dwelling units per gross acre of the total area within a residential development.

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

Park – Any public or private land available for recreational, educational, cultural, or aesthetic use.

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

Parking Shared – The development and use of parking areas on two (2) or more separate properties for joint use by the businesses on those properties.

Parking Space - An off-street space available for parking one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, containing no less than ten (10) feet at its narrowest dimension, and having access to a street or alley.

Party Wall – A wall on an interior lot line, used or adopted for joint service between two (2) buildings. Such walls shall extend from the foundation to the underside of roof sheathing without openings which would permit the spread of fire from one building to another and shall fully comply with fire and all other provisions and standards established for such walls in the currently adopted version of the International Building Code and International Residential Code.

Permanent Access Easement – A perpetual easement guaranteeing right of ingress and egress to and from the premises of only one (1) lot owner to a street appurtenant to the land of another landowner. Any permanent access easement

utilized as the sole means of providing legal access to two (2) or more parcels of land (PUD's ONLY) shall:

- A. Be so designed as to assure continuing adequate ingress and egress for emergency vehicles; and
- B. Be assured adequate continuing maintenance by an owner's association or similar organization and be constructed to the standards of a public street as specified in the Subdivision Regulations.

In any instance where a permanent access easement is located within a PUD district, the design standard shall be as approved in the development plans required, therefore.

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

Photocopy Service – A business that reproduces drawings, plans, maps, or other copy by means of blueprinting or photocopying.

Planned Development - A single planned area of land which:

- A. Has both individual building sites and common property such as a park; and
- B. Is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property.

The ownership of the common property may be either public or private.

Planned Forestry – The organized growing and nurturing of trees in concert with a certified Forestry Plan made by an official from the TN Department of Forestry.

Planned Subdivision – (See Article VII, Section 7.020 "Planned Development".)

Planned Unit Development – A tract of land, adhering to a master development plan, developed as a unit under single ownership or unified control, which includes one (1) or more principal buildings or uses. PUD's

receive design flexibility from traditional bulk regulations, i.e., acreage, setbacks, height limitations, housing density, building location, etc., and combining various land uses to achieve certain economics in construction, in exchange for preservation of open space and the inclusion of many amenities.

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

Planning Commission - The Bedford County Regional Planning Commission.

Plant Nursery - Any land used to raise trees, shrubs, flowers, and other plants for sale to the public or for transplanting.

Plat - A map, plan, or layout, with minimum dimensions of twenty-four (24) inches by thirty-six (36) inches, prepared on a scale no smaller than one (1) inch equals one hundred (100) feet (1"=100'), indicating the location and boundaries of individual properties, the location of public and private utilities, the ownership of all referenced parcels, flood zones, wetlands, or other unbuildable areas, roadways, setbacks, easements and any other required data.

Plot Plan - See "Plat".

Prefabricated Dwellings - (See Article VII, Section 7.020 "Dwelling".)

Principal Structure - A structure in which is conducted the principal use of the lot of which it is situated. In any residential or agricultural district, a dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages, if permanently attached to the principal structure, shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with reference to meeting any yard requirements. Only one (1) principal structure shall be allowed on any zone lot.

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

Print Shop - A retail establishment that provides duplicating services using photocopy, blueprint, and offset-printing equipment, including collating of booklets and reports.

Private Use Open Space - Open areas located upon a lot and held for the exclusive use and enjoyment of owner(s) of such property.

Private Recreational Facility - A facility used for and providing general recreational programs (sports, exercise, etc.) operated as a business enterprise with a service charge or fee being paid to the owner or operator of the facility.

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

Professional Offices - Professional Offices includes accounting, auditing, bookkeeping, attorneys, chiropractors, artists, consultants, dental offices, dental labs, research services, engineering, architects, surveyors, optometrists, outpatient physician offices, physiologists, psychotherapists (psychologists and psychiatrists), music arrangers and songwriters, writers and lecturers, insurance agents, real estate agents, bankers and banks, and financial analysts or other similar office types.

Professional Services (Medical) - This activity classification is intended to include establishments primarily engaged in providing therapeutic, preventative, or correctional personal treatment services on an out-patient basis by physicians, dentists, and other medical practitioners, as well as testing and analysis services. Offices of doctors, dentist and other health-care providers are included within this classification. This grouping is limited and does not include the broad range of services provided at general health-care facilities such as hospitals but does include the limited out-patient services provided at out-patient clinics, whether operated for profit or otherwise.

Public Recreational Facility - A facility used for and providing recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

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

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

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

Racetrack – *See* Automobile Racing

Recreation: There are hereby four (4) separate and distinct types of recreation which are described and defined as follows:

- A. **Public Recreation** - A recreational facility operated by a local, State, or Federal agency. Example: Federal, State, and local parks.
 1. **Admittance** - Open to the general public.
 2. **Requirement** - Must comply with all local zoning codes and applicable building codes.
 3. **Where Allowed** - In an A-1, Zoned District as Uses Permitted.
- B. **Private Recreation** - A recreational facility operated by a non-governmental entity. Example: But not limited to: golf courses, private clubs, civic and community clubhouses, etc.
 1. **Admittance** - Can be restricted by operator.
 2. **Requirement** - Must comply with all local zoning and building codes and must have a special exception granted by the Bedford County Board of Zoning Appeals for the requested use in accordance with Section 8.060, Criteria for Review.
 3. **Where Allowed** - In an A-1, Zoned District as Uses Permitted by Special Exception.
- C. **Commercial Recreation** - A public or private recreational facility located in a C1 or C-2 Zoned District. Example: But not limited to: game rooms, dance halls, concert halls, etc.
 1. **Admittance** - May be open to the general public or admittance may be restricted by operator.

2. **Requirement** - Must comply with all local zoning and building codes.
 3. **Where Allowed** - In a C-2, Zoned District as Uses Permitted.
- D. **Outdoor Recreation** - Recreational activities associated with rural farm lifestyles. Example: but not limited to: animal trail rides, wagon trains, wagon hay rides.
1. **Admittance** - Can be restricted by operator.
 2. **Purpose** - To allow for farm-related commercial recreation in an A-1 Zoned District.
 3. **Requirements** - Must meet all local health and safety regulations.
 4. **Where Allowed** - In an A-1, District by temporary permit by the Building Official. Such permit shall be in effect for a period of not to exceed fifteen (15) consecutive days.

Recreational Open Space - A parcel or parcels of land and/or an area of water within the site designated, designed, and intended for benefit, active or passive recreational use or enjoyment of the occupants of said development.

Recreational Vehicle (RV) - (See Article VII, Section 7.020 “Travel Trailer”.)

Recreational Vehicle Park - (See Article VII, Section 7.020 “Travel Trailer Park”.)

Recycling Center - *Means* an establishment, place of business, facility or building that is maintained, operated, in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Recycling Collection Point - An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

Recycling Plant - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products;

glass; metal cans; and other used products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Refuse - All items constituting garbage, litter, and rubbish.

Religious Facilities – Any structure or site such as a church, synagogue, chapel, sanctuary, mosque, temple, or cathedral used for purposes of individual or collective involvement with a religious activity, such as rites, rituals, ceremonies, prayers, and discussions.

Residence – A building or part of a building containing one (1) or more dwelling units or rooming units, including one (1)-family or two (2)-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

- A. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
- B. Dormitories, fraternity or sorority houses, monasteries, convents, or similar establishments containing group-living or sleeping accommodations, or
- C. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions or building used for community facilities, or
- D. In a mixed building, that part of the building is used for any non-residential uses, except uses accessory to residential uses.

Residential Building – Any building utilized solely for residential activities and their accessory functions.

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

Restaurant (Drive In) – An establishment where the principal business is the sale of food and beverages in a ready-to-consume state by customers in parked motor vehicles.

Restaurant (Food Truck) – (See Article VII, Section 7.020 “Food Truck”).

Restaurant (Fast Food) – An establishment where the principal business is the sale of food and beverages in a ready-to-consume state by customers in the restaurant, for carry-out or for drive through pick up. Orders are made from a limited menu and are not take from a customer’s table, and food is generally served is disposable wrapping or containers.

Restaurant (Full Service) – An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation consists of one or more of the following:

- A. A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in/on non-disposable containers/plates by a restaurant employee at the same table or counter at which said items are consumed; or
- B. A cafeteria or cafeteria-type operation where foods and beverages generally are served in/on non-disposable containers/plates and consumed within the restaurant; or
- C. Small specialty restaurants having its floor area exclusively within a shopping center or office park, sharing common parking facilities with other businesses within such centers, and having access to a common interior pedestrian access way.

Restricted Open Space – Open areas located within a Planned Unit Development (PUD) that are held in some form of common ownership and restricted to use only as vegetative buffers, or other forms of environmental protection. These areas may include floodplains, steep slopes, or other environmentally sensitive lands.

Required Open Space – An area or areas within the boundaries of a development that are designed, set aside, and maintained for either active or passive recreation, or both, and are available and accessible for use and enjoyment by all residents of the development, or designated portion of a development.

Riding Stables - An establishment where horses are boarded and cared for and/or where they may be rented. This includes any location where instruction in riding, jumping, or showing is offered in a commercial capacity.

Right-of-Way Line - That line surveyed or approved by appropriate governmental authority, granting a legal right, established by grant of an owner, to pass along; egress/ingress; use; install or repair utilities, roads, fixtures, equipment, or lines; etc., or as the outer boundary of a dedicated street.

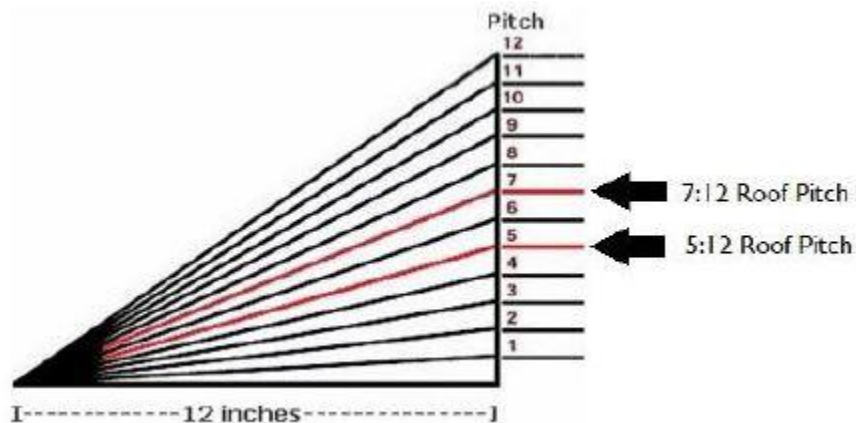
Road, Private - (see Article VII, Section 7.020 "Easement") A way open to vehicular ingress/egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

Road, Public - All public property reserved or dedicated for street traffic.

Roadway - The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

Rooming House - (See Article VII, Section 7.020 "Dwelling".)

Roof Pitch - The pitch of a roof is its vertical rise divided by its horizontal span (or "run"), what is called "slope" in geometry and stair construction, or the tangent function in trigonometry. In the imperial measurement systems, it is typically expressed with the rise first and run second. The run is denominated by the number twelve (12), giving ratio of how many inches or rise or fall there are to each twelve (12) inches (one foot) of run. For example, 3:12, 4:12, 5:12 and so on. See below:



ROW - see Right-of-Way

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

Sanitary Landfill - An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations

imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Environment and Conservation.

Satellite Dish Antenna – A round or elliptical, parabolic antenna intended to receive signals from orbiting satellites and other sources. Non-commercial satellite dish antennas are defined as being less than four (4) meters in diameter and not mounted or positioned at a height greater than twenty (20) feet, while commercial dish antennas are usually larger than four (4) meters in diameter and typically, mounted on poles or structures higher than twenty (20) feet, and used by communication utilities/companies or broadcasting stations.

Scrap Vehicle - Any motor vehicle that has been crushed, flattened, or dismantled or that has been otherwise damaged to the extent that it cannot be economically repaired.

Scenic Easement – An easement, the purpose of which is to limit developments in order to preserve a view or scenic area.

School – A facility that provides a curriculum or elementary and secondary academic instruction, including kindergartens, elementary schools, middle schools, junior high schools, high schools, trade schools, academies, colleges, or universities.

Screening – The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features (see also Article VII, Section 7.020 “Buffer Strip”).

Secondary Utilities - includes water storage facilities, natural gas, radio, TV, and other communications or cellular towers.

Self-Service Storage Facilities – A structure or group of structures for the dead storage of customer’s goods and wares where individual stalls or lockers are rented to different tenants for storage and removal of personal effects.

Semi-Transient Residential Establishment – An establishment where lodging is provided for compensation partly on a weekly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less than monthly basis; but excluding institutional living arrangements involving the provision of specific kinds of forced residence, such as nursing homes, orphanages, asylums, and prisons.

Setback Line – A line which establishes the minimum distance the principal building must be set back from the street line or from adjacent lots/parcels or from other structures.

Sexually Oriented Material – *Means* any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording that depicts sexual activity, actual or simulated, involving human beings, caricatures of human beings, animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genital in a discernibly turgid state if completely uncovered.

Shelter – (See Article VII, Section 7.020 “Emergency Shelter”.)

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

Shooting Range (Indoor) – The use of a facility for shooting at targets for archery and/or firearms for the purposes of training, target practice or competitions and completely enclosed within a building.

Shooting Range (Outdoor) – The use of land designed for shooting at targets for archery and/or firearms for the purposes of training, target practice or competitions and not completely enclosed within a building.

Shopping Center – A group of compatible commercial establishments, planned, developed, and managed as a single unit, with an automobile storage areas provided on the property; the center must also be related in location, size, and type of businesses to its’ trade area, (See also “Planned Shopping Center”).

Sign, Billboard, or Other Advertising Device - Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

- A. **Business Sign** - A sign which directs attention to the business or profession conducted on the premises.

- B. **Advertising Sign** - A sign which directs attention to a business commodity, services or entertainment conducted, sold, or offered elsewhere than on the premises and only incidentally on the premises if at all.
- C. **Billboard** - A structure on which is portrayed information not necessarily related to other uses permitted on the zoned lot upon which the structure is located, but not including painted walls.
- D. **Flashing Sign** - Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that the revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.
- E. **Ground Sign** - A sign supported by a pole, uprights, or braces on the ground.
- F. **Illuminated Sign** - A sign designed to give forth any artificial light or reflect such light from an artificial source.
- G. **Indirect Illuminated Sign** - Any illuminated non-flashing sign whose illumination is derived entirely from an external source and is so arranged that no direct rays of light are projected from such artificial source into residences or streets.
- H. **Off-Premises Sign** - A sign relating to a product, services, or establishment that is not on the premises on which the sign is located.
- I. **Pole Sign or Banjo Sign** - A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most associated with gasoline service stations.
- J. **Wall or Flat Sign** - Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects more than twelve (12) inches beyond the face of such wall.
- K. **Roof Sign** - A detached sign supported upon the roof or wall of a building.

- L. **Marquee Sign** - A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.
- M. **Temporary Sign** - Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, plastic, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

Single Ownership – Means a proprietary interest of a landholder as defined herein.

Sinkhole – A topographic feature defining a depression in the ground’s surface, typically formed by the collapse of underlying strata, which surface water drains into, yet drains out of primarily via infiltration. For the purpose of this Resolution, a sinkhole shall be considered as encompassing the entire area lying within the depression, plus and additional area fifty (50) feet wide around the circumference or edge of the depression.

Site Plan – A scaled graphic schematic of a development site indicating the location of such things including, but not limited to, buildings, walkways, roadways, parking, drainage facilities, utilities, topography and landscaping as they are to appear upon the completion of development. Site plans may be required to contain such other information as may be deemed necessary by the **Regional Planning Commission** to insure proper development of the site.

Special Exception – A use which is specifically permitted if the owner can demonstrate to the satisfaction of the **Board of Zoning Appeals**, as a *condition* of approval, that it will meet certain standards, enumerated safeguards, or qualifying conditions, (see also “Conditional Use”).

Special Institutional Care Facilities – This is a general term that is intended to include all facilities that involve some form of forced-residency, full-time supervision and care for:

- A. Individuals who are legally confined due to violations of law;
- B. Individuals who are addicted to drugs and/or alcohol; and

- C. Individuals who are mentally ill, including the criminally dangerous or others who, for their own protection or the protection of society, must be confined.

Special Personal and Group Care Facilities – This is a general term that is intended to include residential facilities for the care of elderly or infirmed persons who may require special care and/or supervision. The term is intended to include facilities that are principally residential in nature but wherein long-term medical or rehabilitative services are provided for the residents. This term is not intended to include facilities for the criminally dangerous or psychotic. Special Personal and Group Care Facilities include the following.

- A. **Assisted Living Facilities for Elderly or Handicapped Persons:** A residential facility, other than a dwelling unit (as defined above), intended for occupancy by unrelated individuals who are handicapped, aged, or disabled and wherein meals are prepared and served in a common dining facility and limited assistance is proved for daily activities.
- B. **Convalescent Homes:** (see Article VII, Section 7.020 “Nursing Homes”.)
- C. **Family Care Facilities:** A licensed facility wherein residential services are provided to eight (8) or fewer unrelated individuals who are handicapped, aged, disabled, or otherwise in need of adult supervision in accordance with their individual needs. This grouping does not include facilities providing residential services to delinquent minors, the criminally dangerous, or drug/alcohol addicted individuals.
- D. **Group Care Facilities:** A licensed facility wherein residential services are provided to nine (9) or more unrelated individuals who are handicapped, aged, disabled, or otherwise in need of adult supervision in accordance with their induvial needs. This group does not include facilities providing residential services to delinquent minors, the criminally dangerous, or drug/alcohol addicted individuals.
- E. **Day-Care Facilities for Elderly Persons (Adult Day Care):** A licensed establishment wherein an agency, person or persons regularly provides nonmedical care for a group of unrelated individuals who are handicapped, aged, disabled or otherwise in

need of adult supervision in accordance with their individual needs for periods of less than twenty-four (24) hours a day.

- F. **Nursing Homes**: A general term used to describe a licensed establishment providing bed-care and in-patient services for individuals needing regular medical attention, but excluding a facility providing surgical or emergency medical services or providing care for mental illness or communicable disease. Retirement or rest homes, and convalescent homes are included within this term.

Nothing in this Definition is intended to circumvent, ignore, reject, or disregard language found in the Fair Housing Act, 42 U.S.C. 3601 et seq. or to exclude or discriminate against individuals with lawfully defined disabilities.

Specified Anatomical Areas – *Means* any of the following:

- A. Less than completely and opaquely covered:
 - 1. Human Genitals;
 - 2. Pubic Region;
 - 3. Buttocks;
 - 4. Female breasts below a point immediately above the top of the areola;
- B. Human male genitals in a discernible turgid state, even if completely opaquely covered.

Specified Sexual Activities – *Means* any of the following:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts;
- D. Flagellation or torture in the context of a sexual relationship;
- E. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

- F. Erotic touching, fondling or other such contact with an animal by a human being; or
- G. Human excretion, urination, menstruation, vaginal irrigation as part of or in connection to any of the activities set forth in "A" through "F" above.

Single Detached Dwelling – (See Article VII, Section 7.020 "Dwelling".)

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

Small-Batch Distillery: A facility that produces alcoholic beverages, stilled spirits in non-continual single-batches in quantities under 250,000 U.S. gallons per year, and which may include bottling, charcoal filtering, storage, and aging facilities as well as an area devoted to retail sales of the spirits and spirits-related products.

Stealth Antenna: Systems, components and materials used in the construction of a wireless communications facility (WCF) that mask, camouflage, or conceal the WCF to make it less visually intrusive to the surrounding property. "Stealth" includes construction techniques that disguise the WCF so that it appears as another natural or artificial object that exists in the surrounding environment, or which is architecturally integrated into a building or other structure. They may include but are not limited to, architecturally screened roof-mounted antenna, façade-mounted antenna as design features, clock towers, flagpoles, church crosses, or tree poles (e.g., monopines).

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

Structure - Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

Subdivision - The division of a tract or parcel of land, less than five (5) acres, into two (2) or more parts or parcels; or the improvement of land with public streets and/or utilities.

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

Tavern – Any premises or establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and minors are excluded therefore by law. This term also includes bars, cocktail lounges, and nightclubs.

Temporary Overnight Shelters – These shelters are deemed for the homeless and shall only be an accessory use to a religious or other non-profit agency/entity. Temporary shelters shall operate no more than a total of thirty (30) days per calendar year. These uses shall be contained within the principal structures on the property. These shelters must meet all applicable codes but are allowed wherever such religious or non-profit agencies/entities are located.

Temporary Sale – (See Article VII, Section 7.020 “Flea Market”).

Temporary Use – A prospective use, intended for limited duration, to be located in a zoning district not permitting, by right, such use and not continuing, furthering or expanding a non-conforming use or building.

Through Lot – (See Article VII, Section 7.020 “Lot, Through”).

Tiny House – A dwelling that is 400 square feet (37m²) or less in floor area excluding lofts, that is manufactured to meet or exceed the adopted International Residential Code regulations.

Tiny House Park – A planned development designed and equipped to accommodate tiny homes on permanent foundations.

Bedford County Tennessee Zoning Resolution

Tower – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like, (See also Article VII, Section 7.020 “Antenna”).

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

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

Transfer of Development Rights – The conveyance of development rights by deed, easement, covenant, or other legal instrument authorized by local law to another parcel of land and the recording of that conveyance.

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

Transitional Use – A permitted use or structure that by its nature or level or scale of activity acts as a transition or buffer between two (2) or more incompatible uses.

Travel Trailer - A vehicular, portable structure designed as a temporary dwelling for travel, recreation and vacation uses. This term also includes recreational vehicles.

Travel Trailer Park - A plot of land designed and equipped to accommodate travel trailers for short periods of time. This term also includes Recreational Vehicle Parks.

Truck Terminal – A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

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

Use and Occupancy Permit – A written permit issued by the Zoning Director required before occupying or commencing to use any building or other structure on any zone lot.

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

Variance – A dispensation permitted on individual parcels, by the Board of Zoning Appeals, of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure, or property, which, because of unusual or unique circumstances, is denied by the terms of the Zoning Resolution.

Vehicle – Every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway, excepting devices uses exclusively upon stationary rails or tracks.

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

Veterinary Clinic - A veterinary office or animal clinic means a facility in which a licensed veterinarian conducts veterinary out-patient care to animals.

Veterinary Hospital - A veterinary or animal hospital means a facility in which the practice conducted includes the confinement as well as the licensed veterinary treatment of animal patients.

Viewshed – The natural environment or geographical area that is visible from one or more viewing points. This includes all surrounding points that are in line-of-sight with that location and excludes points that are beyond the horizon. In the general context of land planning, viewsheds are most commonly associated with important cultural or scenic vistas intended to be protected as a natural resource.

Vision Triangle – A triangular-shaped portion of land established at the intersection of two (2) streets or a street and driveway in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of a motorist entering or leaving the intersection (also known as sight triangle). The Vision Triangle is area defined as follows:

- A. For interesting streets (also Corner Lots) the triangle is determined by a straight line connecting two (2) points measuring thirty (30) feet in each direction along the ROW line from the ROW intersection.
- B. For driveways and non-corner lots, the triangle determined by a straight line connecting two (2) points; one point measuring twenty (20) feet along the ROW from the intersection of the center of the driveway and the ROW and the other point measuring fifteen (15) feet along the driveway boundary line.

Warehouse – A building used primarily for the storage of goods and materials.

Warehousing and Distribution – A use engaged in storage, wholesale, and distributions of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that creates hazardous or commonly recognized offensive conditions.

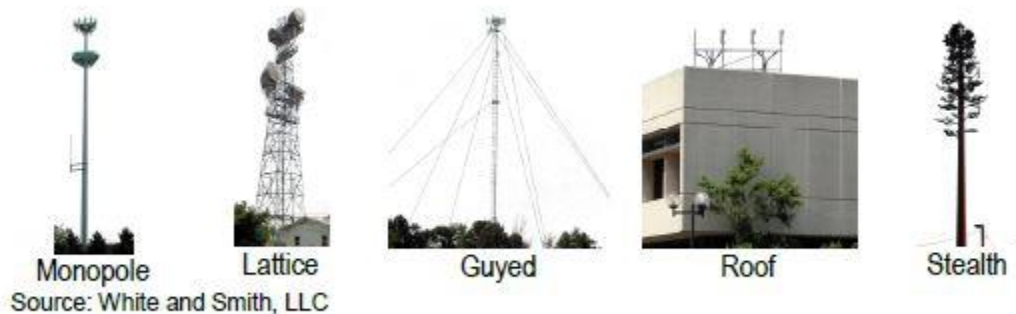
Waste Transfer Station – This activity includes a convenience center for the collection and mechanical compaction of domestic waste transported in from individual households.

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

Wedding Facility – A wedding facility is a privately owned facility, site, barn, or other structure in certain rural settings where weddings and associated events are conducted in exchange for compensation.

Wetland – An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrotopic vegetation.

Wireless Communications Facility: Any staffed or unstaffed facility used for the transmission and/or reception of wireless communications, usually consisting of an antenna or group of antennas, transmission lines, ancillary appurtenances, and equipment enclosures, and may include an antenna-supporting –structure. The following structures or combination of structures are considered to be wireless communications facilities: antenna-supporting-structures (including replacements and broadcast), collated antennae's, roof-mounted structures, surface mounted antennas, and stealth wireless communications facilities, but not including amateur radio facilities.



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

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

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

Yard, Required – That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent for a depth or width set-forth in the applicable regulations. Only such obstructions, projections and specific minor uses, or structures allowed in such open space under the provision of this resolution may be permitted in any required yard.

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

Zone or Zoning Lot – For the purpose of this resolution, a zone lot is a parcel of contiguous land that is or may be developed or utilized under one (1) [Bedford County Tennessee Zoning Resolution](#)

ownership as a unit site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, dimensional characteristics and area, and to provided such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records;
- D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this resolution.

Zoning Compliance Certificate – (See Article VIII, Section 8.030)

Zoning Compliance Officer – The public official in charge of enforcing zoning compliance and administrating the Zoning Resolution and Zoning Map, also by resolution, the official Floodplain Administrator for Bedford County, or his/her authorized representative, appointed by the Bedford County Mayor and confirmed by the Bedford County Commission (See also, Article VIII, Section 8.020 “Zoning Compliance Director”).

Zoning Director – (See Article VIII, Section 8.020 “Zoning Compliance Officer”.)

Zoning Map – A map or series of maps and special overlays (the official copy being maintained by the County Clerk) showing districts and special districts that are established under the provisions of and, hereby, being a part of this Resolution.

Zoning Permit – A written permit issued by the Zoning Director, same being required before commencing any construction, placement, re-construction or alteration of any building or other structure or before establishing, extending or changing any activity or use on any zone lot. This term also includes building, use and occupancy permits (See Article VIII, Section 8.030).

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 8.010 Administration of the Resolution**
- 8.020 The Zoning Compliance Officer**
- 8.030 Zoning Compliance Certificates**
- 8.040 Temporary Use Permits Development Permits**
- 8.050 Inspections of Compliance**
- 8.060 Bedford County Planning Commission**
- 8.070 Bedford County Board of Zoning Appeals - BZA**
- 8.080 Procedure for Authorizing Special Exceptions - BZA**
- 8.090 Procedure for Authorizing Variances - BZA**
- 8.100 Amendments to the Resolution – Procedures and County Board of Commissioners**
- 8.110 Penalties**
- 8.120 Remedies**
- 8.130 Severability**
- 8.140 Interpretation**
- 8.150 Effective Date**

8.010. ADMINISTRATION OF THE RESOLUTION

Except as otherwise provided in Article VI, Section 6.070, no structure, or land shall after the effective date of this *Resolution* be used, and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this *Resolution* shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

8.020. **THE ZONING COMPLIANCE DIRECTOR**

The provisions of this *Resolution* shall be administered and enforced by the Bedford County Zoning Compliance Director, appointed by the County Board of Commissioners, and he/she shall have all the powers necessary to make inspections of buildings or premises in which to carry out his/her duties in the enforcement of this *Resolution*. The Bedford County Zoning Compliance Director is accountable to the County Board of Commissioners through the County Executive Officer (County Mayor) who shall administratively supervise his/her activities. In the performance of administering and enforcing this *Resolution*, the Director shall:

- A. Issue all Development Permits and make, and maintain records thereof;
- B. Issue all Certificates of Occupancy and make, and maintain records thereof;
- C. Issue and renew, where applicable, all Temporary Use Permits, Zoning Compliance Certificates, and Zoning Exemptions and maintain records thereof;
- D. Maintain and keep current zoning maps and records of amendments thereto;
- E. Administrate the Bedford County Floodplain Administration Resolution, obtain and maintain certification in Floodplain Administration by FEMA, and keep and maintain elevation certificates, letters of map amendments, letters of map revisions, current floodplain maps and any other official record pertaining to construction in Bedford County floodplains;
- F. Receive, file, investigate and forward to the Board of Zoning Appeals all applications for variances, Special Exceptions/Conditional Use Permits or other matters on which the Board is required to act under the provisions of this resolution, and investigate/report findings on each application thereof;
- G. Receive, file, investigate and forward to the Planning Commission all applications for rezoning, subdivision plats and plans, proposals for Planned Unit Developments (PUD's), specific Special Exception applications as listed herein, proposed modifications to this *Resolution* and the attached zoning map, and any other matter on which the Planning Commission is required to act under the provisions of this *Resolution*;

- H. Receive, file, investigate and forward to the Board of Construction Appeals all applications for modifications in the Director's interpretation of the current adopted building codes for Bedford County;
- I. Propose general amendments, edits and revisions to this *Resolution* upon justification;
- J. Schedule annual required training for members of the Planning Commission and Board of Zoning Appeals and keep records thereof;
- K. Meet with, communicate, and advise members of the public on issues related to the development of property, rezoning's, variances, conditional uses, zoning exemptions, land uses, floodplain development and protections, and help facilitate applications to the various boards and overall compliance to this *Resolution*;
- L. Provide assistance and advice to members of the Planning Commission, Board of Zoning Appeals, Board of Construction Appeals, Beer Board, County Mayor and the Board of Commissioners concerning the compliance with this *Resolution*;
- M. Conduct inspections as required in this *Resolution* and such other inspections as are necessary to insure compliance with the various other general provisions of this *Resolution*. The Zoning Compliance Director 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;
- N. Conduct town hall meetings when necessary to educate the general public on substantive changes or recommendations to this *Resolution* or proposed county development projects; and
- O. Notify the District's County Commissioners as to any request for a special exception, variance or rezoning of a zone lot before said meeting.

8.030. **ZONING COMPLIANCE CERTIFICATE**

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or substantial improvement or repair of any structure or to change the use of a building or structure, or to commence the filling of land without a permit therefore, issued by the Zoning Compliance Director.

No Zoning Compliance Certificate (Conditional Use Permit) shall be issued by the Zoning Compliance Director, except in conformity with the provisions of this *Resolution*, unless for a zoning exemption OR there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception/conditional use permit, or variance as provided by this *Resolution*. A Zoning Compliance Certificate is not required to be issued when a land use is deemed *exempt* for agricultural, religious, or other lawfully exempted status'. It is the responsibility of the Zoning Compliance Director to determine whether or not a proposed land use is permitted by right, or by lawful exemption and if the proposed land use will require a zoning change, special exemption, or both.

A. Application

Application for a Zoning Compliance Certificate shall be made in writing to the Zoning Compliance Director on forms provided for that purpose. All applications for Zoning Compliance Certificates shall be accompanied by a plan or a plat in duplicate, drawn to scale, with adequate documentation to ensure compliance with dimensional requirements, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon;
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site in relation to mean sea level of the proposed lowest floor if said building site is located in a designated flood hazard area, as defined in the Bedford County Flood Damage Prevention Provisions;
3. The existing and intended use of all such buildings or other structures;

4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this resolution are being observed;
5. The tax map and parcel numbers of the lot; and
6. The Zoning Compliance Director shall require the following specific information to be included as part of an application for a zoning compliance certificate for new construction, substantial improvements to existing structures, or other development proposed to be located within an area subject to flood as defined in Article V:
 - a) Copies of all federal and state permits required for the construction of the development as shown on the plans;
 - b) The name and address of the engineer, architect, surveyor, or other qualified person responsible for providing the information required under this section;
 - c) Site plans for developments other than subdivisions or mobile home parks showing the location of the proposed building or structure and existing buildings or structures on site or lot, watercourse, easement, or other information as the Zoning compliance Director may deem necessary;
 - d) Where the development lies partially or completely within an area subject to flooding, the site plan shall include detailed information giving the location and elevation of sites. The plans shall show existing and proposed land contours at intervals not to exceed two (2) feet. The limits of the area subject to flooding and floodway boundaries shall be accurately shown on the plans. Each lot shall contain a building site safe from the threat of flood;
 - e) Any person, firm, or corporation hereafter constructing a building or structure within an area subject to flooding shall submit to the Zoning Compliance Director a surveyor or engineer's certification stating the actual or the lowest floor

(including basement) of the building or structure upon application for a zoning compliance certificate. If the structure (nonresidential only) was flood-proofed, the certification which shall come from a registered engineer or architect shall also state the height to which the structure was flood-proofed;

- f) The minimum height of the lowest floor shall be one (1) foot above the level of the one hundred (100) year flood elevation, site plans shall show information pertaining to the methods of lifting the proposed structure, including details of proposed fills, pile structures, retaining walls, foundation, and erosion protection measures. When required by the Zoning Compliance Director, these plans shall be prepared by a registered professional engineer or architect; and
- g) For structures to be flood-proofed (non-residential only) at or above the level of the one hundred (100) year flood elevation, plans shall show details of flood-proofed measures. The plans shall be prepared by a registered professional engineer or architect which shall certify that the proposed structures, together with utilities and sanitary sewer facilities, is designed so that the structure is watertight with walls substantially impervious to the passage of water, and is designed to withstand the hydrostatic, hydrodynamics, buoyance, impact, or other forces resulting from the flood depths, velocities, pressures, debris, and other factors associated with flooding conditions at the site.

B. Fee

The Bedford County Commission shall establish a schedule of fees and a collection procedure for Zoning Compliance Certificates. The schedule of fees shall be posted in the Office of the Zoning Compliance Director. Only the County Commission may alter or amend the fee schedule. However, any proposed modification to the fee schedule shall first be submitted for review to the Planning Commission prior to adoption by the County Commission. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit

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

D. Construction Progress

Any Zoning Compliance Certificate issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

8.040. TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature unless a Permit has been obtained from the County Zoning Compliance Director, as provided for in Article III, Section 3.390, of this *Resolution*. Application for a Temporary Use Permit shall be made in writing to the Zoning Compliance Director on the form provided for that purpose. A schedule of fees shall be established by the Bedford County Commission as per Article VIII, Section 8.030(B) of this *Resolution*. Such a schedule shall be posted in the Office of the Zoning Compliance Director. Until the appropriate fee has been paid in full, no action shall be taken on any application.

8.050. CERTIFICATE OF OCCUPANCY / INSPECTION OF COMPLIANCE

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Zoning Compliance Director shall have issued a Zoning Compliance Certificate and/or Building Certificate of Occupancy stating that such land, structure, or part thereof, is/are found to be in strict conformity with the provisions of this *Resolution*. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Compliance Director and/or Building Official to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this *Resolution*, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal. Within one (1) year following occupancy, the Zoning Compliance Director shall conduct a second inspection to ensure continued compliance with this *Resolution*. It is the owner's responsibility to correct deficiencies to be held in violation of this *Resolution*.

8.060. BEDFORD COUNTY PLANNING COMMISSION

A Bedford County Regional Planning Commission is hereby established in accordance with TCA § 13-7-101 for the purpose to regulate the location, height, and size of buildings or other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes.

Such regulations have been designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the state and of this county, including, among other things, lessening congestion on the roads or reducing the wastes of an excessive amount of roads; securing safety from fire and other dangers; promoting adequate light and air, including protecting and encouraging access to sunlight for solar energy systems; preventing , on the one hand, excessive concentrations of population and on the other hand, excessive and wasteful scattering of population or settlement; promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunity, recreation, soil fertility, food supply and the protection of both urban and nonurban development.

The powers of the Bedford County Regional Planning Commission are as follows:

A. Jurisdiction:

- 1) Subdivisions: A subdivision is a division of land, less than five (5) acres, or which in its creation, leaves a portion of another parcel less than five (5) acres, or on larger proposed parcels when any public infrastructure (e.g., public roads, public utilities) are proposed. There are hereby three (3) distinct classes of subdivisions. They are as follows:

- a. Simple Subdivisions: When two (2) or less individual parcels are proposed;

- b. Minor Subdivision: When three (3) to five (5) individual parcels are proposed;
- c. Major Subdivision: When more than five (5) individual parcels or any public infrastructure is proposed.

The Bedford County Regional Planning Commission shall have sole authority on all applications for subdivisions. The Zoning Compliance Director shall have the power to recommend approval of all *Simple* Subdivisions to the Secretary of the Regional Planning Commission without a convening of the Planning Commission. The Secretary of the Regional Planning Commission having the authority to sign/approve all simple subdivisions.

- 2) Modifications to the Zoning Resolution: The Bedford County Regional Planning Commission shall review and inform the Board of Commissioners, by a favorable or unfavorable recommendation, as to its position on all rezoning applications, zoning and building code fee schedules, or any modification to the Bedford County Zoning Plan. The Bedford County Regional Planning Commission shall also vote to certify all modifications approved by the Board of Commissioners.

8.070. BEDFORD COUNTY BOARD OF ZONING APPEALS- BZA

A Bedford County Board of Zoning Appeals is hereby established in accordance with sections 13-7-106 through 13-7-109, of the **Tennessee Code Annotated**. The Board of Zoning Appeals shall consist of five (5) members appointed by the Bedford County Commission. The Board members shall be appointed to five (5) year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year. One (1) member of this Board shall be an elected County Commissioner and one (1) member shall be appointed to the Planning Commission. One (1) member shall be a full-time farmer. All members must be citizens of Bedford County.

A. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Election of Officers

The Board shall elect from its members its own Chairperson and Vice-Chairperson, who shall serve for a two (2) year term and may upon election serve succeeding terms. The Board shall elect a Secretary. It shall be the duty of the Secretary to keep all records, conduct official correspondence, and supervise the clerical work of the Board. The Secretary shall sign all plats.

C. Conflict of Interest

Board members shall abide by the Code of Ethics as adopted by the Bedford County Board of Commissioners.

D. Appeals to the Board

An appeal to the Bedford County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any government office, department, board, or bureau affected by any decision of the Zoning Compliance Director based in whole or in part upon the provisions of this *Resolution*. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Compliance Director shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time of the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

E. Advisory Opinions

The Bedford County Zoning Compliance Officer and/or his/her designee may submit an advisory opinion to the Board on any matter which may come before said Board. Such opinion shall be made part of the official record of the Board.

F. Stay of Proceeding

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

application, on notice to the Zoning Compliance Director, and on due cause shown.

G. Appeal to the Court

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

H. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, permit, decision, determination or refusal made by the Zoning Compliance Director or other administrative official in the carrying out or enforcement of any provision of this *Resolution*.

2. Special Exceptions/Conditional Use Permit

To hear and decide applications for special exceptions as specified in this *Resolution*, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass. In matters of direct heirs, the Board shall refer to Tennessee Code Annotated, Section 13-3-408, to determine the property division of property. For the purposes of this *Resolution*, a Special Exception means exactly the same thing as a Conditional Use Permit.

3. Variances

To hear and decide applications for variance from the terms of this *Resolution*.

8.080. BZA PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed use as a conditional use/special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required by under Sections §§13-7-107 and 13-7-108 of the Tennessee Code Annotated (T.C.A.), by this *Resolution* or whether a review is requested by the Zoning Compliance Director to determine whether a proposed use is potentially noxious, toxic, dangerous, or offensive. Procedures are as follows:

A. Application

A written application for a special exception shall be filed with the Board of Zoning Appeals by the property owner or his/her designated Attorney-in-Fact on forms provided by the Zoning Compliance Office, and the application shall contain information and exhibits as may be essential for determining where the provisions of this ordinance are being observed. Such application shall show the location and intended uses of the site, the names of the property owners, existing land uses and landowners within two hundred (200) feet, the general condition and suitability of the adjoining roadway for the traffic generated by the proposed use, and any other material pertinent to the request which the Board may require in order to determine the suitability of the proposed use with the area or neighboring uses.

B. General Requirements

General requirements are hereby established which shall apply to all applications for special exceptions, and specific standards listed shall apply to the issuance of a special exception as appropriate. The Board of Zoning Appeals may impose such other conditions and restrictions upon the premises benefited by a special exception permit as may be necessary to comply with the provisions set out hereafter in this Section in order to reduce or minimize the injurious effect of such special exception upon and ensure compatibility with surrounding property and to better carry out the general intent of this *Resolution*.

The Board may establish expiration dates for the expiration of any special exception as a condition of approval. A special exception runs with the land and may be transferred to another owner without a rehearing before

the Board provided that previously approved conditions can be met, and there is no change of use. A special exception shall only be granted provided the applicant satisfactorily demonstrates conformance to the standards herein stated and the Board make specific findings that it:

- Is so designed, located, situated, and proposed to be operated so that the public health, safety, and welfare of nearby and surrounding uses will be reasonably protected;
- Will not, in an articulable manner, adversely affect other property in the area in which it is located;
- Conforms to all applicable provisions of this *Resolution* for the applicable zoning district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below; and
- Shall be located so as to be compatible with the surrounding area and provide safety to those using, ingressing, or egressing the facility.

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 and that satisfactory provision and arrangement has been made concerning the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and reasonable access for fire apparatus and water flow/pressure in case of fire or catastrophe;
2. Off-street parking and loading areas where required as per Article III, Section 3.190 and 3.200, with particular attention to the items in Article VIII, Section 8.020(C)- Item 1, above;
3. Economic, noise, vibrations, glare or odor effects of the special exception on adjoining properties and properties generally in or near the district;
4. Refuse and service areas, with particular reference to the items in Article VIII, Section 8.020(C)(1.-2.) above;

5. Utilities, with reference to locations, availability, compatibility and needs of the proposed activity;
6. Signage in accordance with the provisions in Article III, Section 3.050.
7. Screening and buffering with reference to Article II, Section 2.090 or the use of existing trees, shrubs, plants and foliage as approved by the Board;
8. Required yard and other open space; and
9. General compatibility with adjacent properties and other property in the district.

D. Restrictions/Conditions:

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 *Resolution*.

E. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times. The Board may reject any application which it deems to have provided insufficient or incomplete plans.

F. Time Limit:

All applications reviewed by the Board shall be decided within ninety (90) days (working days) of the date of application, and the applicant shall be provided with either a written notice of approval or denial. If the Board fails to render a decision within the required ninety (90) days, the application is automatically approved.

8.090. **BZA PROCEDURE FOR AUTHORIZING VARIANCES**

The purpose of a variance is to modify the strict application of the specific requirements of this *Resolution* in the case of exceptionally irregular, narrow, shallow, or street lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would constructively deprive an owner of the reasonable use of his/her land. Variances shall be granted from zoning restrictions such as heights, setback measurements and lot density where such variances are reasonable and necessary or to assure unobstructed access to direct sunlight. Variances shall not be granted which would cause an unreasonable obstruction of direct sunlight to adjacent property if there is a reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this resolution.

A. **Application**

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. **Fee**

A fee, as regulated by the Fee Schedule posted in the Bedford County Zoning Compliance Office, payable to Bedford County, shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. **Hearings**

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

D. **Standards for Variances**

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district;
2. Variances shall not be granted to allow a use or occupancy otherwise excluded from the particular district in which requested;
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this *Resolution* would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land;
4. The granting of any variance shall be in harmony with the general purposes and intent of this *Resolution* and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development;
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore; and
6. Variances shall not be granted within any flood prone area if an increase in the level of the one hundred (100) year flood would result from the proposed development.

8.100. AMENDMENTS TO THE RESOLUTION – PROCEDURES AND COUNTY BOARD OF COMMISSIONERS

The Board of Commissioners may, from time to time, amend, supplement, change or repeal the regulations, restrictions, and boundaries set forth in this *Resolution*; whenever they find the public necessity, convenience, and general welfare requiring such amendment, but, in accordance with Tennessee enabling legislation in section 13-7-105 Tennessee Code Annotated.

Anyone seeking any change in the zoning plan adopted for Bedford County must first submit such request to the Planning Commission. Amendments may be introduced by Board of Commissioners, the Planning Commission, or by an application of one or more owners of property or their designated Attorney-in-Fact. These amendments must be in relation to the Bedford County Plan and respective of the general welfare of the community. The process for submitting an amendment to this *Resolution* is as follows:

1. Application: A resolution amendment draft must be submitted to the Planning Commission through the Zoning Compliance Office for review and study a minimum of two (2) weeks prior to the next regularly scheduled Planning Commission meeting. The proposed amendment must be submitted to the Zoning Compliance Office along with an application for the stated amendment and a fee based on the current approved fee schedule. Any supporting documentation, proof, evidence, or rationale must be provided at the time the application is first made. County government is exempt from paying fees.
2. Planning Commission: The County Zoning Compliance Director shall study the materials and examine the potential effects of the proposed amendment and provide a report to the Planning Commission. The applicant and general public are invited to make public comments on the matter prior to the official vote of the Planning Commission. The Planning Commission shall, within thirty (30) days, vote their recommendation, either favorably or unfavorably, to the County Commission and make minutes of the meeting thereof, forwarding a copy of the signed minutes to the County Mayors Office.
3. Rules and Legislative Committee: The County Mayors Office next shall place the proposed amendment along with a copy of the applicable agenda and signed minutes of the Planning Commission meeting on the agenda for the next regularly scheduled Rules and Legislative Committee

meeting. The Zoning Compliance Director may be asked to testify before the Rules and Legislative Committee as to his/her report and findings regarding the effects of the proposed amendment. The applicant and general public shall be allowed to make public comments regarding the proposed amendment at the meeting prior to an official vote of the Committee. The Committee has thirty (30) days in which to vote their recommendation, either favorably or unfavorably, to the County Commission and make minutes of the meeting thereof, forwarding a copy of the signed minutes to the County Mayors Office.

4. Public Hearing: The County Mayors Office shall place the proposed amendment along with copies of the applicable agendas and minutes from both the Planning Commission meeting and Rules and Legislative Committee meeting on the next regularly scheduled County Commission meeting. The County Mayors Office shall also advertise a **Notice of Public Hearing**, providing the public with at least ten (10) days' prior notice of the time and place of the hearing, of which shall be given by at least one (1) publication in a newspaper of general circulation in the same county, this hearing to be held prior to the County Commission meeting in order to take comments or evidence from the applicants or general public.
5. Board of Commissioners: The County Commission shall hold a public hearing prior to the commencement of its scheduled and advertised public meeting, taking comments from the applicant or general public and making minutes thereof. The Commission members may also ask questions of people making comments or call witnesses to testify. The County Commission will close the public hearing upon such time as its members be satisfied with comments made and move forward with the opening of the regularly scheduled County Commission meeting – whereupon the proposed resolution amendment shall be brought up and voted upon favorably or unfavorably.
6. Vote, Unfavorable: An unfavorable vote on any amendment has a result of not allowing the proposed amendment to be brought up again until one (1) calendar year has passed – using the same procedures as aforesated. An unfavorable decision may also be appealed in the Chancery Court of Bedford County.
7. Vote, Favorable: A favorable vote on any amendment to the *Zoning Resolution* shall be sent back to the Planning Commission for its

certification and signature – establishing the Effective Date of the amendment.

8. Fee: A fee, as regulated by the Fee Schedule posted in the Bedford County Zoning Compliance Office, payable at the time of filing of petition, shall be posted with the request to amend the *Zoning Resolution*. The fee, established by the Bedford County Commission, shall be due and payable at the time of filing of said petition. The fee is to be used by Bedford County to defray costs resulting from such petition and any subsequent amendment of the *Zoning Resolution* except that the fee shall be waived for a governmental agency.

8.110. PENALTIES

Any person violating any provisions of this *Resolution* shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty (50) dollars nor more than one hundred fifty (150) dollars for each offense. Each day such violations continue shall constitute a separate offense.

8.120. REMEDIES

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

8.130. SEPARABILITY

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

8.140. INTERPRETATION

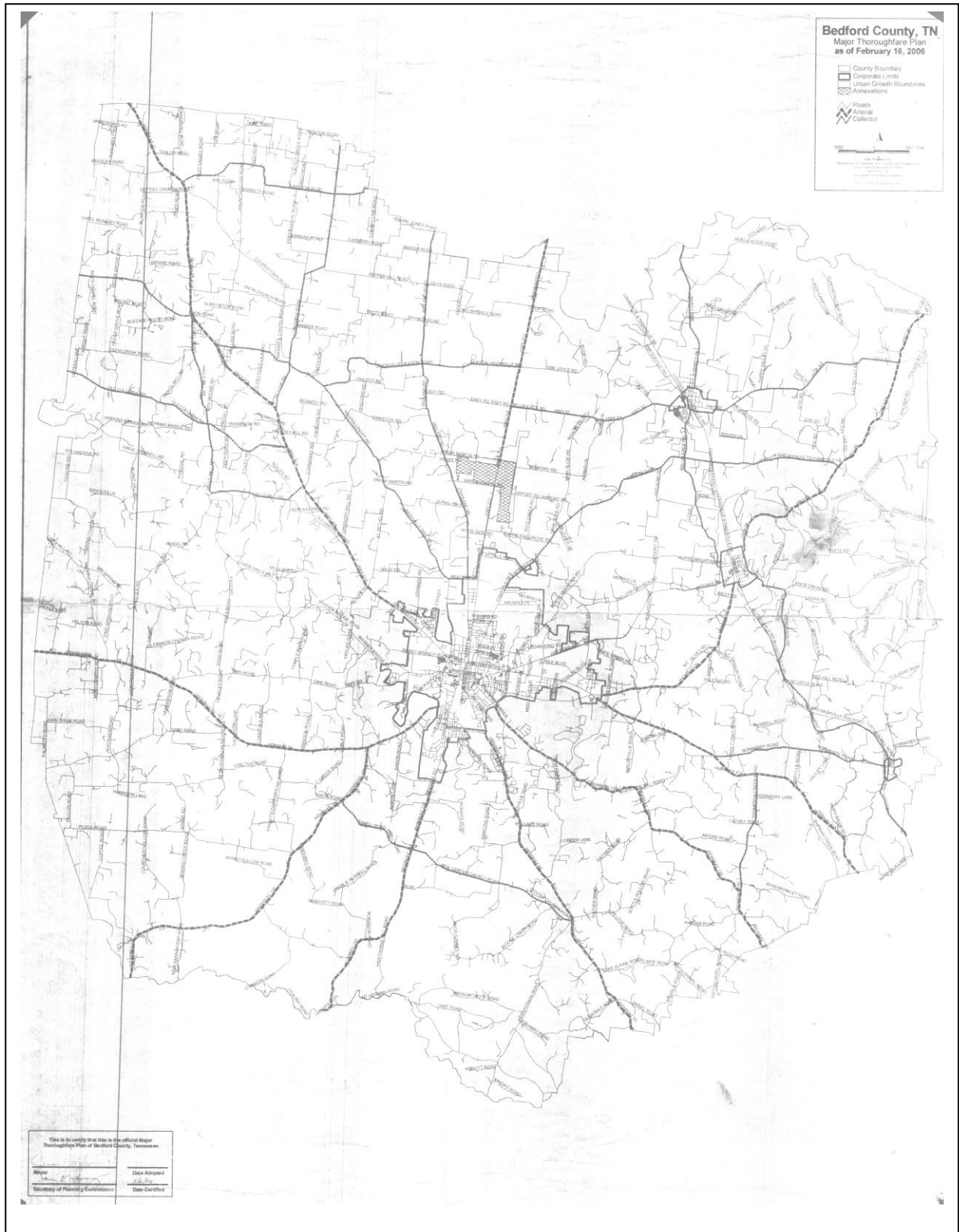
Whenever the conditions of this *Resolution* require more restrictive standards than are required in or under any other statute, the requirements of this *Resolution* shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this *Resolution*, the conditions of such statute shall govern.

8.150. EFFECTIVE DATE

This *Resolution* shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

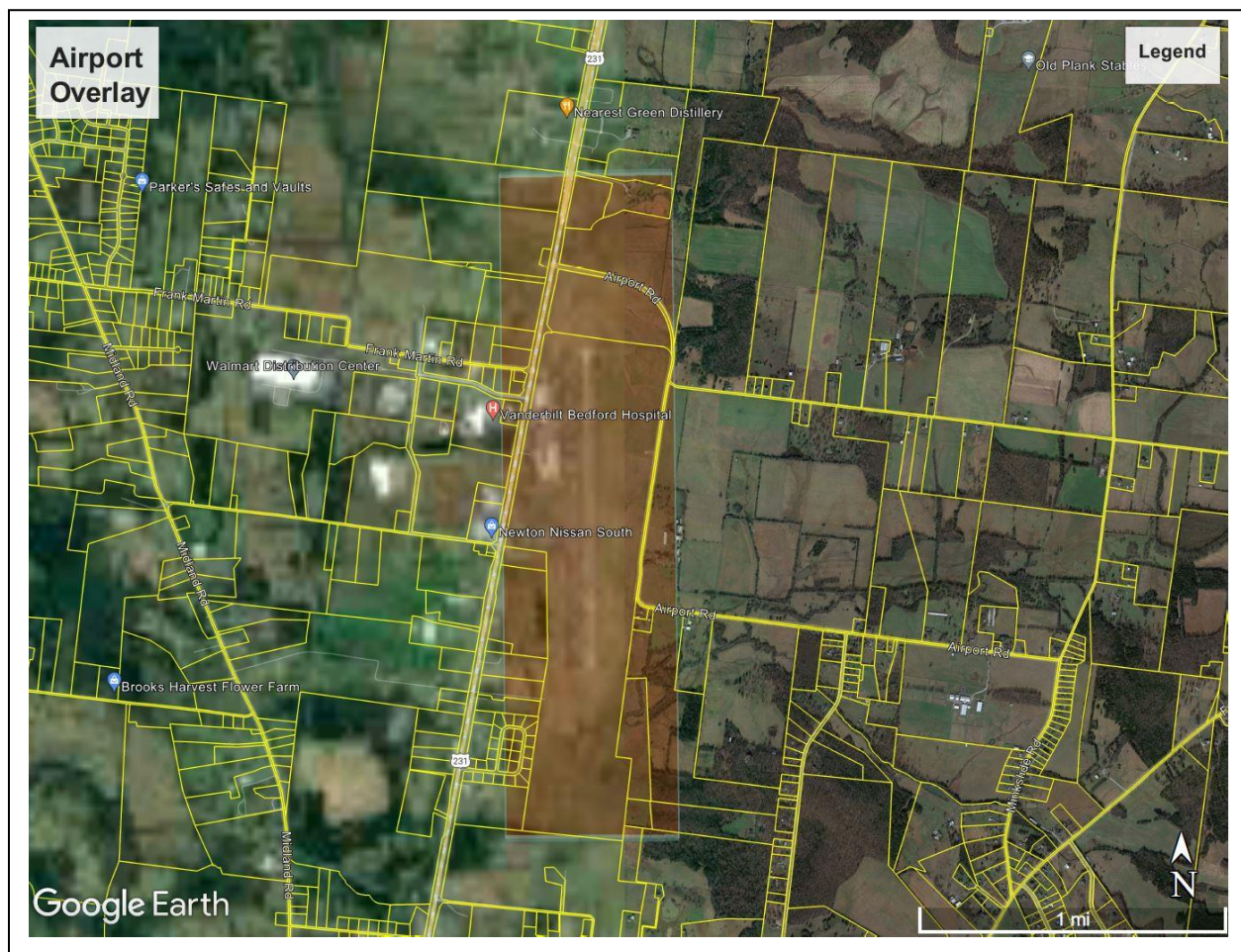
SUPPLEMENTAL INFORMATION

Major Thoroughfare Plan





Insert Airport Overlay District Map (Nov. 2023)



Shelbyville Gateway Overlay District Map



Insert Bell Buckle Gateway Overlay District Map

NOTES & AMENDMENTS:

[illegible]

