

FINAL DRAFT NO. 2 - 2005

ZONING RESOLUTION

FOR

HICKMAN COUNTY, TENNESSEE

PREPARED BY:
HICKMAN COUNTY PLANNING COMMISSION

AND THE

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
LOCAL PLANNING OFFICE
SUITE 128
446 METROPLEX DRIVE
NASHVILLE, TENNESSEE 37211-3139

**Recommended by Hickman County Planning Commission on: December 14, 2004 and
May 10, 2005**

Public Hearing No. 1 March 8, 2005
Public Hearing No. 2

Adopted by Hickman County Commission _____

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ARTICLE I
ENACTMENT

SECTION

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

1.010. Authority. This resolution is adopted pursuant to authority of Sections 13-7-101 through 13-7-115, Tennessee Code Annotated, to regulate, in the portions of Hickman County, Tennessee, which lie outside of the Centerville Municipal Corporation, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, agricultural, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding; to provide for the orderly and reasonable uses of solar energy in the interest of public health, safety and general welfare; to provide methods of administration of this resolution, and to prescribe penalties for the violation thereof.

1.020. Title. This resolution shall be known as The Zoning Resolution of Hickman County, Tennessee, dated _____. The zoning map shall be referred to as the Official Zoning Atlas of Hickman County, Tennessee. All explanatory matter thereon is hereby adopted and made a part of this resolution.

1.030. Enactment. WHEREAS, Section 13-7-101 through 13-7-115 and 13-7-401 of the Tennessee Code Annotated empowers the County to enact a zoning resolution and to provide for its administration, enforcement, and amendment, and

WHEREAS, the 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 the requirements of Section 13-7-101 through 13-7-115 of the Tennessee Code Annotated with regard to the preparation of the zoning plan by the planning commission and subsequent action of the County Commission have been met;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF HICKMAN COUNTY, TENNESSEE, THAT "THE ZONING RESOLUTION OF HICKMAN 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 residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- b. preventing overcrowding of land;
- c. conserving the value of land and buildings;

- d. minimizing traffic hazards and congestion;
- e. preventing undue concentration of population;
- f. providing for adequate light, air, privacy, and sanitation;
- g. reducing hazards from fire, flood, and other dangers;
- h. assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- i. encouraging the most appropriate uses of land;
- j. enhancing the natural, man-made and historical amenities of Hickman County, Tennessee.

ARTICLE II
GENERAL PROVISIONS

SECTION

- 2.010 Scope
- 2.020 Only one (1) principal building on any residential lot
- 2.030 Lot must abut a public street
- 2.040 Reduction in lot area prohibited
- 2.050 Obstruction to vision at street intersection prohibited
- 2.060 Access control
- 2.070 Accessory use regulations
- 2.080 Plot plan requirements
- 2.090 Buffer strips

2.010. Scope. For the purpose of the enforcement of this Zoning Resolution, there shall be certain general provisions which shall apply, except as specifically noted, to all zoning districts. **THIS RESOLUTION SHALL NOT BE CONSTRUED AS LIMITING OR AFFECTING IN ANY WAY OR CONTROLLING THE AGRICULTURAL USES OF LAND. REFER TO ARTICLE V, EXCEPTIONS AND MODIFICATIONS, SECTION 5.070.**

2.020. Only one (1) principal building on any residential lot.

- (a) Only one (1) principal building and its customary accessory buildings may hereafter be erected on any residential lot. This section should not be construed to prohibit multi-family dwellings or mobile home parks where they are legally allowed.
- (b) On lots used for agricultural purposes which exceed fifteen (15) acres up to two (2) additional dwelling units may be located, for members of the immediate family of the owner thereof, or for persons employed full-time thereon and their families. The site of each dwelling unit shall meet all minimum lot and yard requirements of the district such that the site can be subdivided from the remaining acreage if necessary.

2.030 Lot must abut a public street. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street (or access easement) for a distance of at least twenty-five (25) feet. Properties may have access provided by a private easement provided, however, that when such permanent easement to a public street is used as access to a lot(s) or tract(s) of land having been or being separated by deed or plat from other property, such easement shall be at least fifty (50) feet in width from and after the time of adoption of this Zoning Resolution and shall not be used to provide access to more than five (5) lots or tracts of land. All lots must be a minimum of 5 acres each to be created on such easement. The following certification shall be required before two or more lots are created on an easement:

PRIVATE DRIVEWAY CERTIFICATION: This drive is to be built and maintained jointly by all owners taking access from this private driveway, and is not intended to become a public road. The Hickman County Highway Commission may, at their discretion, agree to accept this road into the County Highway System if all property owners agree to (1) petition the Highway Commission for a public road and (2) build or pay for upgrading to County

specifications in effect at the time of the request. Signature and Date of County Road Supervisor required. Any owner(s) of lots currently taking access from this private driveway must sign, thereby acknowledging awareness of the above maintenance statement and awareness that access via this private driveway is limited to five (5) lots with a minimum of five (5) acres each. Owner(s) signature, map/parcel, book/page number and date required.

This section shall not be construed to prohibit the development of buildings on lots or tracts of land with permanent access provided by private drives provided such development is in the form of condominium ownership and such private improvements have been approved by the planning commission and will be in private ownership and control in perpetuity.

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 yards, lot area per family, lot width, building area, or other requirements 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 line of intersecting streets and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, nothing shall be erected, placed, planted, or allowed to be grown in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets. This section shall not prohibit any necessary retaining walls.

2.060. Access control.

- (a) In order to promote the safety of motorists and pedestrians and to minimize traffic congestion and conflicts by reducing points of contact:
 - A. A point of access for vehicles onto a street shall not exceed forty (40) 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 public street for each four hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
 - C. No point of access shall be allowed within twenty (20) feet of the right-of-way line of a public intersection.
 - D. No curbs, or shoulders on county roads or rights-of-way shall be cut or altered without approval of the Road Superintendent, or if a state highway by a permit from the Tennessee Department of Transportation.
 - E. The clear distance between any two driveways fronting on a street shall not be less than twenty-five (25) feet.

- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals. 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.

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

- A. Be customarily incidental to the principal use established on the same 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.

2.080. Plot plan requirements.

- A. Proposals (plans) for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings) 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', showing contours at five (5) foot intervals, and exhibiting required automobile storage areas, servicing utilities with reference to their location, availability and compatibility, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, drainage plans, density of development or required open space, number of stories (all residential and commercial structures of three (3) or more stories in height must have the plans approved by the State Fire Marshall's Office), the number of dwelling units per acre, if applicable, required building setbacks and other yard requirements, any relationship of the proposal to scale to other adjoining development, land uses and streets.

"Sealed Plans" shall not be required for structures classified as business, factory-industrial, hazardous, mercantile, residential, and storage if such structures meet the following criteria.

1. Less than 3 stories in height.
2. Less than 5,000 sq. ft. in total gross area.
3. Is a one or two family dwelling or domestic out building.
4. Farm building not designed or intended for human habitation.

Where otherwise required "Sealed Plans" shall be prepared by a registered architect or engineer.

- B. Proposals for mobile home parks shall comply with separate provisions. See ARTICLE III, SECTION 3.080.

- C. Applications must be supported by any other information or data as deemed necessary by the planning commission.

2.090. Buffer strips. Where a use is developed in areas zoned C-1, I-1, or I-2 and which abut at any point upon property zoned A-1, and A-2, the developer shall provide a buffer strip as defined herein at the point of abutment.

ARTICLE III

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 3.010 Off-street parking requirements
- 3.020 Off-street loading and unloading requirements
- 3.030 Temporary use regulations
- 3.040 Customary incidental home occupations
- 3.050 Gasoline service station restrictions
- 3.060 (reserved)
- 3.070 Standards for signs, billboards, and other advertising structures
- 3.080 Development standards for mobile home parks
- 3.090 Development standards for automobile wrecking, junk and salvage yards

3.010. Off-street parking requirements. Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be two hundred (200) square feet in size (10 feet x 20 feet) and such space shall be provided with vehicular access to a road, street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A. Single Detached Dwelling and Duplex: Not less than two (2) spaces for each dwelling unit.
- B. Apartment Dwelling: Not less than two (2) spaces per dwelling unit.
- C. Boarding Houses and Rooming Houses: Not less than one (1) space for each (1) room to be rented.
- D. 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 and one half (1 1/2) spaces for each room to be rented plus one (1) additional space for each three (3) employees.
- G. Auditoriums, Churches, Stadiums, or Other Places 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 Service Establishments: Not less than one (1) parking space for each two hundred and fifty (250) square feet, or fraction thereof, of sales space.
- K. Shopping Centers (more than 3 stores): 5.5 parking spaces per 1,000 square feet of gross leasable floor area.
- L. Medical or Dental Clinics: Not less than four (4) spaces per doctor, plus one (1) additional space for each two (2) employees.
- M. 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 1,400 square feet of lot area or fraction thereof, whichever is greater.
- N. Restaurants: Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.
- O. Other: For buildings and uses not listed, the off-street parking requirements shall be determined by the Planning Commission.

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

3.012. Remote parking space. If the required off-street parking spaces cannot be reasonably provided on the same lot on which the principal use is located, such spaces may be provided on any land within two hundred (200) feet of the main entrance to such principal use; provided such land is in the same ownership or lease hold interest as the principal use. Such land shall be used for no other purpose so long as no other adequate provisions of parking space, meeting the requirements of this resolution, has been made for the principal use.

3.013. 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 onto a public street to obtain egress.
- B. Each parking space shall be no less than 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.

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

Total Usable Floor Area for Principal Building	Spaces Required (See Chapter 6 for Definition)
0 to 4,999 sq. ft.	One (1) space
5,000 to 9,999 sq. ft.	Two (2) spaces
10,000 to 14,999 sq. ft.	Three (3) spaces
15,000 to 19,999 sq. ft.	Four (4) spaces
Over 20,000 sq. ft.	Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.

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

3.030. Temporary use regulations. Where necessary to govern operation of necessary or seasonal uses of a nonpermanent in nature, application for a Temporary Use Permit shall be made to the Building Commissioner. Applications shall contain graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses:

- A. Carnivals or Circuses: In the A-1, C-1, I-1 and I-2 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. Christmas Tree Sales: Maximum of 30-day Temporary Use Permits for display and sale of Christmas trees on open lots in any district.
- C. Temporary Buildings: In any district for contractor's temporary offices and equipment sheds incidental to a construction project, but not for more than one (1) year unless special renewals are granted for six-month extensions; provided, however, not more than three (3) extensions for a particular use shall be granted. Such uses shall cease immediately upon completion of the construction project or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings: In any district, except the I-1 and I-2 Industrial Districts, for tents or other temporary structures to house a religious meeting for not more than a 30-days period. One 30-day extension may be granted upon request for a renewal. Such activities shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Units in Cases of Special Hardship: In any residential district, to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure is destroyed by fire, explosion or natural phenomena. The purpose shall be to provide shelter only for the residents of the principal structure during a period of reconstruction and to prevent an exceptional hardship. Placement of such a

temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant under this temporary use must produce a written statement from the Health Department and/or the servicing Utilities Systems, if any, approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for up to nine (9) months and may be renewed for up to six (6) months at a time, but the total time for all permits hereunder shall not exceed a total of thirty-six (36) months. No fee shall be required.

- F. Sale of Fireworks: In A-1, C-1, I-1, I-2 Districts; however, such permits shall not be issued for periods longer than thirty (30) days. Such will be permitted only where there is adequate off-street parking provided to the sales site and the applicant shall have obtained the proper permits from the State of Tennessee and the temporary use site has been inspected by the Building Commissioner and the local fire chief. Applicants must comply with all aspects of State Fire Regulations as shall pertain to the sale of fireworks.
- G. Temporary Retail Sales, Festivals, Bazaars, and other Special Events. These special activities shall conform to all county regulations, will not result in undue adverse traffic congestion and unsafe conditions regarding public roads, will not create a threat to safety of persons or property due to fire, explosion, etc., will not create unhealthy conditions regarding water supply, sewage disposal or solid waste, and will not interfere with use of neighboring property from its customary use by creating noise, dust, noxious odors, lighting, etc. These uses are allowed in any district except the A-2, Rural Residential District. Such permit may be issued for a period no longer than ten (10) days and no more than eight (8) times per year. If required, the local health department shall approve sanitary facilities. Noise levels shall not exceed seventy (70) decibels at the site boundary.

3.040. Customary incidental home occupations.

- (a) A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and like professionals, barber, beauty and tailor shops) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.
- (b) When questions arise regarding the legality of specific home occupations, planning commission shall determine whether a home occupation is in compliance within the district in which such home occupation is located. However, activities such as dancing instruction, band instrument instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the planning commission to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

3.050. Gasoline service station restrictions. The following shall apply to gasoline services stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than fifteen (15) feet to any right-of-way line.
- C. Sign requirements shall be as established in Article 3, Section 3.070, shall be met.

3.060. (Reserved)

3.070. Standards for signs, billboards, and other advertising structures. Permits may be required by the Tennessee Department of Transportation and as specified in the “Rules and Regulations for the Control of Outdoor Advertising”, a State of Tennessee Publication.

3.080 Development Standards for Mobile Home Parks

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

- A. The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.

B. Dimensional Requirements for Parks

- 1. Each mobile home park shall have a front yard of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
- 2. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
- 3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
- 4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- 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.

C. Dimensional Requirements for Mobile Home Spaces

Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

- 1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.

2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than 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 pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, parks with sewer shall permit a maximum of 4 mobile homes or 3 double wide mobile homes per acre. Parks without public sewer shall permit a maximum of 2 mobile homes or 2 double wide mobile homes per acre. A lower density may be required by the Hickman County Health Department after appropriate soil tests have been completed and analyzed as to the capability of the soil to accommodate a septic and drain field.

No mobile home park shall be permitted unless such park is served by a public water supply.
7. All parks must contain a minimum of 5 acres with a maximum of 10 acres per park.

D. General Requirements

1. Roads within the mobile home park shall be paved to a width of not less than twenty-two (22) feet with six (6) inches stone base compacted and 3 (three) application of chip and seal, 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 the connection to the sanitary sewer line or to a septic system approved by the Hickman County Health Department and Board of Zoning Appeals.
4. Mobile homes, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.

6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.
8. No mobile homes shall be permitted within floodplains or upon slopes in excess of 20%.
9. All mobile homes shall be provided with an outdoor living area for the purpose of privacy and comfort. This area shall be a minimum of 300 sq. ft. with a dimension of 15 feet.
10. All mobile home parks shall be equipped with fire hydrants spaced no more than 500 feet apart. The watersystem shall be capable of providing a required fire flow of 500 gallons per minute for a one (1) hour duration.
11. Solid waste collection stand shall be provided for waste container for each mobile home. Such stands shall be designed as to prevent containers from being tipped and to minimize spillage. All central waste container shall be screened from view.
12. Mobile Home Parks shall be maintained free of litter and debris, which may harbor rodents and breed flies, etc.
13. A common walk system shall be provided and maintained between locations where pedestrian traffic is to be concentrated. Such width shall be 3.5 ft. and meet the ADA requirements.
14. Adequate recreation facilities for the residents of the park shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.
15. A buffer strip shall be provided along the perimeter of the site boundaries. No buffering shall be allowed within 15 feet of any vehicular entrance or park entrance.
16. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be

submitted with the site plan. 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.

17. No animal pens shall be allowed on the park premises.
18. All parks will be inspected annually for compliance to these regulations.

E. Plans and Schedules Required

The following information shall be shown on the required site plan:

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of 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 internal circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant.
- 9.. Such other architectural, engineering, and topographic data as may be required to permit the Hickman County Health Department, the Building Commissioner, Staff Planner, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with, shall be submitted with the site plan.
10. 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.
11. All mobile home parks existing at the date of the passage of this resolution which do not conform to the provisions of the zoning resolution shall be governed in accordance with the provision of this resolution.

F. 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 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, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Hickman County Health Department will be submitted to the Hickman County Building Commissioner, and the Hickman County Regional Planning Commission. The County Regional Planning Commission shall duly review these materials and shall co-ordinate the review with the appropriate utility districts.
2. The Hickman County Building Commissioner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, 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 be granted.

3.090. Development standards for automobile wrecking, junk and salvage yards.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be required to minimize 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 three hundred (300) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking shall be as required by ARTICLE III, SECTION 3.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 2. Two (2) driveways where the road or street frontage 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 yard

within the Hickman County Planning Region until a permit is obtained from the Hickman County Board of Zoning Appeals. An application for said permit shall be filed in accordance with ARTICLE VII, SECTION 7.060, of this resolution and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in SECTION 7.060.

- H. The following are exempt from Automobile Wrecking, Junk or Salvage Yards:
1. The site of a property zoned for car repair or towing establishments.
 2. Any abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles kept within a building.
 3. Any farm machinery, including tractors and trucks that have been used specifically in farming activities.

ARTICLE IV
ZONING DISTRICTS

SECTION

- 4.010 Classification of districts
- 4.020 Zoning Map
- 4.030 Zoning district boundaries
- 4.040 Specific district regulations

4.010. Classification of districts. The following zoning districts are hereby established in Hickman County, Tennessee:

<u>Zoning District</u>	<u>District Abbreviation</u>
Agriculture-Forestry District	A-1
Suburban Residential District	A-2
General Commercial District	C-1
General Industrial District	I-1
Heavy Industrial District	I-2
Floodplain Overlay Zoning District	(Reference to County Resolution #9417)

4.020. Zoning Atlas. The location and boundaries of the zoning districts are bounded and defined as shown on the Atlas entitled Zoning Atlas of Hickman County, Tennessee. The Zoning Atlas and any amendment thereto shall be dated with the effective date that adopts the same. Certified prints of the adopted Zoning Atlas and Zoning Atlas amendments shall be maintained in the office of the Building Commissioner and shall be available for inspection by the public at all reasonable times.

4.030. Zoning district boundaries.

- (a) Unless otherwise indicated on the Zoning Atlas the district boundaries are lot lines, center lines of streets or alleys, or the Hickman County boundary lines as they exist at the time of the enactment. Questions concerning the exact locations of district boundaries shall be determined by the Hickman County Board of Zoning Appeals.
- (b) Where a district boundary line divides a lot which was in single ownership at the time of passage of this resolution, the regulations for either portion of the lot shall not exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.
- (c) 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 or 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 to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to prohibit business or industrial uses facing or fronting the 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 authority to determine on which street the business or industrial use shall face or front so that the intent of this resolution shall be observed.

4.040. Specific district regulations. The following regulations shall apply in all zoning districts established in SECTION 4.010.

4.041. A-1, Agriculture-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 Hickman County. The primary intent of the A-1 District is to minimize conflicts between agricultural and forestry activities and various non-agricultural activities; to permit lands best suited for intense agricultural uses to be preserved for these suited purposes; and to prevent lands unsuitable for development of an urban or nonrural 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 nonrural nature is deemed undesirable for one or more of the reasons outlined above. The following regulations shall apply in the A-1, Agriculture-Forestry District, as defined on the Zoning Atlas of Hickman County, Tennessee. **AGRICULTURAL USES OF LAND - THIS RESOLUTION SHALL NOT BE CONSTRUED AS LIMITING OR AFFECTING IN ANY WAY OR CONTROLLING THE AGRICULTURAL USES OF LAND. REFER TO ARTICLE V, EXCEPTIONS AND MODIFICATIONS, SECTION 5.070. (TN CODE ANNOTATED 13-7-114)**

B. Uses Permitted.

In the A-1, Agriculture-Forestry District, the following uses and their accessory uses are permitted:

1. Agricultural and forestry uses and their accessory structures, as defined in ARTICLE VI.
2. Detached single-family and two-family dwellings.
3. Private residential garages, barns, sheds, stables, farm buildings and other accessory structures and uses customarily incidental to permitted uses.
4. Agricultural processing including ginning and compressing, shelling, baling and threshing services.
5. Animal husbandry services including veterinarian services, animal hospital services and poultry hatchery services.
6. Forestry activities and related services.
7. Utility facilities necessary for the provision of public services.

8. Feed lots and egg production houses.
 9. Roadside stands for the sale of agriculture or forestry products provided that such stand does not exceed an area of three hundred (300) square feet and that it is located off the public right of way.
 10. Customary home occupations as regulated in Article III, Section 3.040.
 11. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
 12. Fisheries and related services.
 13. Community Facilities-- including all government buildings such as fire departments, post offices, libraries, police and civil defense.
 14. Private recreational facilities as an integral part of a proposed development.
 15. Hunting leases with cabins
 16. Catfish Farming, trout farming, aquatic farms-"Do it yourself" or retail related farm uses.
 17. Fishing lakes, hiking and biking trails
 18. Educational farm activities—farm tours, classes, school group activities
 19. Wineries
 20. Pick it yourself fruits, produce, etc.
 21. Home made furniture and crafts made and sold from a farm.
 22. Mazes.
 23. Bed and Breakfast Inns
 24. Agri-Tourism
 25. All other activities defined as Agriculture by the State of Tennessee.
- C. Uses Permitted as Special Exceptions.

In the A-1, Agriculture-Forestry Districts, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Public or private educational institutions.

2. Religious Facilities and other places of assembly, including civic, social, fraternal associations and private clubs, lodges, meeting halls, community centers, etc.
3. Airports and medical facilities.
4. Marinas.
5. Community shopping facilities, providing the total floor space devoted to retail sales does not exceed 4,000 square feet in area.
6. Mobile Home Parks. Refer to Section 3.080.
7. Cemeteries.
8. Public or private recreational facilities.
9. Professional offices.
10. Art galleries, museums, zoological gardens, aquariums, etc.
11. Rooming and Boarding houses, bed and breakfast establishments.
12. Mobile homes provided they are used as accessory uses on lots used for agricultural purposes which exceed 15 acres. Two mobile homes may be placed on these tracts provided the principle residential unit on the tract is a single detached permanent dwelling. These mobile homes are intended for farm help or family members of the property owner.

D. Uses Prohibited.

In the A-1, Agriculture-Forestry 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 A-1, Agriculture-Forestry District shall comply with the following requirements except as provided in Article V.

1. Front yard setback requirement is 35 ft.
2. Rear yard setback requirement is 25 ft.
3. Side yard setback requirement is 20 ft.
4. 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. However, where there is an existing lot of record of less than one (1) acre at the time of the adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling. In the event that the property proposed to be subdivided is less than five (5) acres in area, then a soil analysis of the property must be conducted and the results of such an analysis shall be transmitted to the Health

Officer. If the results of the soils analysis indicate compliance with the required standards of the Tennessee Department of Environment and Conservation, the Health Officer shall submit a written statement certifying same to the Building Commissioner. Upon receipt of such a certification from the Health Officer, the Building Commissioner shall issue a building permit to the applicant, providing all other provisions of this Resolution are met. In the event that the results of the soils analysis or other required tests do not meet the required standards of the Tennessee Department of Environment and Conservation, then the Health Officer shall submit to the Building Commissioner, prior to the issuance of a building permit, a written opinion, in lieu of a certification, which shall define what lot size or configuration, or both, shall be necessary to meet the required standards. In the event that an opinion is submitted in lieu of a certification by the Health Officer to the Building Commissioner, the Building Commissioner shall notify the applicant of the necessary lot size or configuration or both, based upon the Health Officer's written opinion. The Building Commissioner shall not issue a building permit until the necessary changes have been made and the Health Officer submits to the Building Commissioner a certification that with these changes the standards of the Tennessee Department of Environment and Conservation have been met.

5. Maximum Lot Coverage. Non-Agricultural structures shall cover no more that fifteen (15) percent of the total land area.
6. Lot Width shall be 100 ft. at the front 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 V, SECTION 5.030.
8. Parking Space Requirements. As regulated in Article III, Section 3.010.

4.042. A-2, Suburban Residential District.

A. District Description.

This district is intended to be utilized in areas where the continuation of farming or agricultural activities is undesirable or unfeasible. Although the A-2 District is primarily a suburban district, it also provides for medium to high density residential development with lot sizes for single-family dwellings being less restrictive than those of the A-1, Agriculture-Forestry District. In addition, a primary objective of the A-2 District is to include land uses which demand a higher level of governmental services which are available or will be provided upon development. The following regulations shall apply in the A-2, Suburban Residential District, as established on the Zoning Atlas of Hickman County, Tennessee.

B. Use Permitted.

In the A-2, Suburban Residential District, the following uses and their accessory uses are permitted.

1. Detached single-family and two-family dwellings.
2. Private residential garages and other accessory structures and uses customarily incidental to permitted uses.
3. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
4. Utility facilities necessary for the provision of public services.
5. Private recreational facilities as an integral part of a proposed development.
6. Community Facilities as specified in the A-1 district.
7. Customary home occupations as regulated in Article III, Section 3.040.
8. Roadside stands for the sale of agriculture or forestry products provided that such stand does not exceed an area of three hundred (300) square feet and that it is located off the public right of way.

C. Uses Permitted as Special Exceptions.

In the A-2, Suburban Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.

1. Religious Facilities.
2. Townhouses, apartment dwellings and the like as regulated in E. Dimensional Regulations, #4.

D. Uses Prohibited.

In the A-2, Suburban Residential 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 A-2, Suburban Residential District shall comply with the following requirements except as provided in Article V.

1. Front Yard. The minimum depth of the front yard shall be thirty (30) feet.

2. Rear Yard. The minimum depth of the rear yard shall be twenty-five (25) feet for the principal structure and fifteen (15) feet for any permitted accessory structures.
3. Side Yard. The side yards shall be a minimum of fifteen (15) feet for a single-story structure, plus an additional five (5) feet for each additional story.
4. 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 **30,000 square feet** in area. However, where there is an existing lot of record of less than 30,000 square feet this lot may be utilized for the construction of one single-family dwelling. 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 Health Officer. If the results of the soils analysis indicate compliance with the required standards of the Tennessee Department of Environment and Conservation, then the Health Officer shall submit to the Building Commissioner, prior to the issuance of a building permit, a written opinion, in lieu of a certification which shall define what lot size or configuration, or both, shall be necessary to meet the required standards. In the event that an opinion is submitted in lieu of a certification by the Health Officer to the Building Commissioner, the Building Commissioner shall notify the applicant of the necessary lot size or configuration, or both, based upon the aforementioned Health Officer written opinion. The Building Commissioner shall not issue a building permit until the necessary changes have been made and the Health Officer submits to the Building Commissioner a certification that with these changes the standards of the Tennessee Department of Environment and Conservation have been met.

Whenever public sewer is available, the lot area for single family detached dwellings may be reduced to 15,000 sq. ft.

On lots or parcels of land where multiple-family dwellings are constructed, the minimum lot size must be increased five thousand square feet for each additional dwelling unit. More than four units must be on public sewer.

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

5. Maximum Lot Coverage. Main farm or agricultural accessory buildings shall cover no more than fifteen (15) percent of the total land area. Permitted nonagricultural uses, both principal and accessory, shall cover no more than thirty-five (35) percent of the total land area.
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 three (3) stories or thirty-five (35) feet in height, except as provided in Article V, Section 5.030.
8. Parking Space Requirements. As regulated in Article III, Section 3.010.

4.043. C-1, General Commercial District.

A. District Description.

The C-1, General Commercial District, is established to provide areas in which the principal use of land is devoted to general and highway commercial activities along the principal thoroughfares in Hickman County. Regulations are designed to preserve the traffic-carrying capacity of the streets and roads in Hickman County and to provide for necessary off-street parking and loading. The following regulations shall apply in the C-1, General Commercial District, as established in the Zoning Atlas of Hickman County, Tennessee.

B. Uses Permitted.

In the C-1, General Commercial District, the following uses and their accessory uses are permitted.

- (1) Wholesale Trade.
 - (a) Motor vehicles and automotive equipment;
 - (b) Drugs, chemicals and allied products;
 - (c) Dry goods and apparel;
 - (d) Groceries and related products;
 - (e) Farm products;
 - (f) Electrical goods;
 - (g) Hardware, plumbing, heating equipment and supplies;
 - (h) Machinery, equipment, and supplies.
2. Retail Trade.
 - (a) Building materials, hardware, and farm equipment;
 - (b) General merchandise;
 - (c) Food;
 - (d) Automotive, marine craft, and accessories;
 - (e) Apparel and accessories;
 - (f) Furniture, home furnishings, and equipment;

- (g) Eating and drinking;
 - (h) Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice.
 - (i) Agricultural products.
3. Hotels, motels, and tourist courts.
 4. Religious Facilities.
 5. Professional services.
 6. Medical Facilities.
 7. Gasoline service stations.
 8. Commercial recreation uses.
 9. Finance, insurance and real estate services.
 10. Personal services.
 11. Business services.
 12. Repair services.
 13. Contract construction services.
 14. Warehouses or storage facilities, except those used for storing hazardous materials.
 15. Kennels or animal hospitals.
 16. Funeral parlors.
 17. Governmental services, including fire stations.
 18. Educational services.
 19. Transportation, communication and utility services except solid waste disposal.
 20. Signs as regulated by the Tennessee Department of Transportation. No local permits are required.
 21. Agricultural uses.
 22. Roadside stands for the sale of agriculture or forestry products provided that such stand does not exceed an area of three hundred (300) square feet and that it is located off the public right of way

C. Uses Permitted as Special Exceptions.

In the C-1, General Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.

1. 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. Travel trailer parks and overnight campgrounds.
3. Livestock sales or feeding yards.

D. Uses Prohibited.

In the C-1, 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-1, General Commercial District shall comply with the following requirements except as provided in Article V.

1. Front Yard. The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard. The minimum depth of the rear yard shall be fifteen (15) 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 (20) feet where vehicular access is available to the rear of the lot. Where no such access is available or desired, a side yard of fifteen (15) feet shall be permitted. On lots adjacent to an agricultural or residential 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 provided that there is 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 of two (2) hours.
4. Land Area. No minimum land area shall be required in the C-1, 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 22,000 square feet, except that lots of record smaller than the required minimum, at the time of the adoption of this resolution, may be utilized, provided that said lot of record is not smaller than 15,000 square feet. Where no public water or sewer service is available, there shall be a minimum land area of three (3) acres.

All attached buildings must meet applicable area and space requirements and share a common fire resistant wall.

5. Maximum Lot Coverage. No maximum lot coverage shall be imposed in the C-1, 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 V, Section 5.030.
8. Parking Space Requirement. As regulated in Article III, Section 3.010.

4.044. I-1, General Industrial District.

A. District Description.

The I-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. The following regulations shall apply in the I-1, General Industrial District, as established in the Zoning Atlas of Hickman County, Tennessee.

B. Uses Permitted.

In the I-1, General Industrial District, the following uses and their accessory uses are permitted.

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing, except dyeing and finishing of textiles.
3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
4. Lumber and wood products manufacturing.
5. Furniture and fixtures manufacturing.
6. Printing, publishing and allied industries.
7. Stone, clay, and glass products manufacturing.
8. Fabricated metal products manufacturing except resolution and accessories.

9. Professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks manufacturing.
10. 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, liquor, and gasohol manufacturing.
11. Transportation, communication and utilities, excluding airports and solid waste disposal.
12. All types of wholesale trade.
13. Other Light Industrial uses as defined and with no greater impacts than these listed above.
14. Office functions only where it is directly related to or housed within the industrial establishment in which it is located.
15. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
16. Fire stations and other governmental uses.
17. Utility Facilities.
18. Agricultural Uses.
19. Roadside stands for the sale of agriculture or forestry products provided that such stand does not exceed an area of three hundred (300) square feet and that it is located off the public right of way
20. Educational Institutions.

C. Uses Permitted as Special Exceptions.

No uses are permitted as Special Exceptions in the I-1, General Industrial District.

D. Uses Prohibited.

In the I-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. Dimensional Regulations.

All uses permitted in the I-1, General Industrial Districts, shall comply with the following requirements except as provided in Article V.

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 the side yards for industrial lots adjacent to agricultural or residential 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 uses 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 for the use and shall not be less than five (5) acres.
5. Maximum Lot Coverage. No maximum lot coverage shall be imposed in the I-1 District.
6. Lot Width. No lot shall be less than one hundred fifty (150) feet wide at the front building setback line.
7. Height Requirements. No height limitations shall be imposed in the I-1, General Industrial District, except as provided in Article V, Section 5.030.
8. Parking Space Requirement. As regulated in Article III, Section 3.010.
9. Loading and Unloading Requirements. As regulated in Article III, Section 3.020.

4.045. I-2, Heavy Industrial District

A. District Description.

The I-2, Heavy Industrial District is intended to provide areas for the types of industrial activities which by reason of volume of raw materials or freight, scale of operations, type of structures required, or other similar characteristics require locations relatively isolated from non-industrial uses. 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. The following regulations shall apply in the I-2, Heavy Industrial District, as established in the Zoning Atlas of Hickman County, Tennessee.

B. Uses Permitted.

In the I-2, Heavy Industrial District, the following uses and their accessory uses are permitted.

1. Meat products manufacturing.
2. Dyeing and finishing of textiles.
3. Airports.
4. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
5. Agricultural Uses.
6. Roadside stands for the sale of agriculture or forest products provided that such stand does not exceed an area of three hundred (300) square feet and that it is located off the public right of way.

C. Uses Permitted as Special Exceptions.

In the I-2, Heavy Industrial Districts, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.

1. Lots or yards for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second hand building materials.
2. Automobile wrecking, salvage, and junk yards, subject to the provisions of Article III, Section 3.090.
3. Paper and allied products manufacturing.
4. Chemicals and allied products manufacturing.
5. Petroleum refining and related industries.
6. Rubber and miscellaneous plastic products manufacturing.
7. Primary metal industries.
8. Ordnance and accessories manufacturing.
9. Surface and subsurface mining activities and related services.
10. Solid and hazardous waste landfills and incinerators. These uses shall meet all performance standards as listed in Subsection 4.045, F.
11. Atomic reactors.
12. Arsenals.

13. Explosives manufacturing and storage.
14. Fireworks manufacturing.
15. Electricity Generating Facilities.
16. Radioactive waste.
17. Adult-oriented (Entertainment) Establishment. These uses shall meet all special conditions as listed and defined in subsection 4.045, G.

D. Uses Prohibited.

In the I-2, Heavy 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. Dimensional Regulations.

All uses permitted in the I-2, Heavy Industrial Districts, shall comply with the following requirements except as provided in Article V.

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 the side yards for industrial lots adjacent to agricultural or residential 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 uses 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 for the use and shall not be less than five (5) acres.
5. Maximum Lot Coverage. No maximum lot coverage shall be imposed in the I-2 District.
6. Lot Width. No lot shall be less than one hundred fifty (150) feet wide at the front building setback line.

7. Height Requirements. No height limitations shall be imposed in the I-2, Heavy Industrial District, except as provided in Article V, Section 5.030.
8. Parking Space Requirement. As regulated in Article III, Section 3.010.
9. Loading and Unloading Requirements. As regulated in Article III, Section 3.020.

F. Performance Standards for Solid and Hazardous Waste Landfills and Incinerators.

No person shall own or maintain a solid or hazardous waste landfill or incinerator within Hickman County until a permit has been secured from the Hickman County Board of Zoning Appeals and Tennessee Department of Environment and Conservation. This Board shall base their decision on the following criteria.

1. The type of waste suitable for Class 1 landfills as defined by the Solid Waste Management Act of 1991. No special waste exception.
2. The method of disposal.
3. The impact of the noise and odor that the landfill may create.
4. The impact on local property values.
5. The economic impact of the project.
6. The compatibility with existing development.
7. The Hickman County Highway Department must certify that existing and proposed access roads to a proposed sanitary landfill 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.
8. No sanitary landfill shall be located on property where sinkholes, caves, or caverns exist on or near the proposed landfill site.
9. No sanitary landfill shall be located on property where a spring or springs emanate from or under the proposed landfill site.
10. No sanitary landfill shall be located on property with limestone bedrock and fissures, cracks, and openings in the ground.
11. No sanitary landfill shall be located in the proximity of either natural gas transmission pipelines or hazardous chemical pipelines.
12. No sanitary landfill 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.

13. Any other factors which may affect the public health, safety or welfare.

G. Special Conditions and Definitions for Adult-Oriented (Entertainment) Establishments

Special Conditions:

1. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) of any residence, religious facility, school ground, college campus or park.
2. All establishments shall be located at least two thousand (2,000) feet measured property line to property line) of any other adult entertainment business.
3. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) from any residential zoned property.
4. Be in compliance with all provisions of the Tennessee Code, Sections 7-51-1101 through 7-51-1122 and 7-51-1401 through 7-51-1406, and any applicable regulations of Hickman County.
5. All other zoning regulations shall apply.

Definitions:

6. ADULT-ORIENTED ESTABLISHMENT: Any adult bookstore, motion picture theater, or commercial establishment which for a fee or incidentally to another service, such as the serving of beer or other alcoholic beverages, sells or presents material or exhibition distinguished or characterized by a predominant emphasis on matter depicting explicit sexual activities or partially or completely uncovered human genitals or mammary glands. Adult oriented establishments include, but are not limited to:

Adult Book Stores: which means any corporation, partnership or business of any kind which has as its principal or predominant stock in trade books, magazines or other periodicals and which offers, sells or rents for a fee:

- (a) Any sexually-oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or
- (b) Any sexually-oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism or bestiality; or

- (c) Any sexually-oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age;

Adult Motion Picture Theaters: which means an enclosed building used for presenting films which are distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities for observation by patrons therein; and

Adult Shows or Adult Peep Shows: which includes all adult shows, exhibitions, performances or presentations which contain acts or depictions of specified sexual activities.

This term also includes adult arcades, adult cabarets and massage parlors.

7. 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 or animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genitals in a discernibly turgid state if completely uncovered.
8. SPECIFIED ANATOMICAL AREAS: Means any of the following:
- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. SPECIFIED SEXUAL ACTIVITY: 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 other erotic touching of human genitals, pubic regions, buttocks or female breasts;
 - d. Flagellation or torture in the context of a sexual relationship;
 - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
 - f. Erotic touching, fondling or other such contact with an animal by a human being;

- g. Human excretion, urination, menstruation, vaginal or an irrigation as part of or in connection with any of the activities set forth in "A" through "F", above.

4.046. Floodplain Zoning. The regulations of the "Floodplain Zoning Resolution No. 9417" are hereby made a part of this zoning resolution by reference and as such stated.

ARTICLE V

EXCEPTIONS AND MODIFICATIONS

SECTION

- 5.010 Scope
- 5.020 Nonconforming uses
- 5.030 Exceptions to height limitations
- 5.040 Lots of record
- 5.050 Exception to front setback requirements
- 5.060 RESERVED
- 5.070 Agricultural use of land

5.010. Scope. ARTICLE VII is devoted to providing for necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in ARTICLE III and ARTICLE IV.

5.020. Nonconforming uses. It is recognized 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 this resolution is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that will violate the provisions hereof. It is the intent to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of passage or amendment hereto shall be allowed to remain subject to the following provisions.

- A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, however, that establishment of another nonconforming use of the same or 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 nonconforming use of land shall be restricted to the tract of land occupied by such use as of the effective date hereof or the applicable amendments hereto. A nonconforming use of a building or buildings shall not be enlarged to additional land.
- C. When a nonconforming use of any structure or land has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provisions hereof.
- D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God may be reconstructed and used as before if application for reconstruction is filed within twelve (12) months of such damage.
- E. A nonconforming building or building housing a nonconforming 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 and repairs, or alterations required for structural safety.
- F. Except as provided above, no nonconforming use shall be eliminated by condemnation proceedings in order to bring about conformance herewith.

5.030. Exceptions to height limitations. The height limitations shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, silos and aerials.

5.040. 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 hereof. 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 possible in the opinion of the Board of Zoning Appeals.
- 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 herein, 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.

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

5.060. RESERVED.

5.070. AGRICULTURAL USE OF LAND. THIS RESOLUTION SHALL NOT BE CONSTRUED AS AUTHORIZING THE REQUIREMENT OF BUILDING PERMITS NOR PROVIDING FOR ANY REGULATION OF THE ERECTION, CONSTRUCTION, OR RECONSTRUCTION OF ANY BUILDING OR OTHER STRUCTURE ON LANDS NOW DEVOTED 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 BUILDING OR STRUCTURE IS INCIDENTAL TO THE AGRICULTURAL ENTERPRISE. THIS RESOLUTION SHALL NOT BE CONSTRUED AS LIMITING OR AFFECTING IN ANY WAY OR CONTROLLING THE AGRICULTURAL USES OF LAND.

ARTICLE VI
DEFINITIONS

SECTION
6.010 Scope
6.020 Definitions

6.010. Scope. In order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word "shall" is mandatory.
- d. The word "may" is permissive.
- e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- f. The word "lot" includes the words "plot" or "parcel."

6.020. 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 and "A Planners Dictionary" Planning Advisory Service Report Number 5xx/5xx published by the American Planning Association, April 2004, or such as the context may imply.

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

ACCESSORY BUILDING OR STRUCTURE: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

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

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

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTURE USE:

- (1) The land, buildings and machinery used in the commercial production of farm products and nursery stock;
- (2) The activity carried on in connection with the commercial production of farm products and nursery stock; and
- (3) Recreational and educational activities on land used for the commercial production of farm products and nursery stock.

As used in this definition of agriculture, the term “farm products” mean forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and all other plants and animals that produce food, fee, fiber or fur.

As used in this definition of agriculture, the term “nursery stock” means all trees, shrubs, or other plants, or parts of such trees, shrubs or other plants, grown or kept for, or capable of, propagation, distribution or sale on a commercial basis.

This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided that all appropriate laws and regulations are complied with.

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

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

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

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

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

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof and with no intent to return to operative condition.

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

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

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

BOARD: The Hickman County, Tennessee Board of Zoning Appeals.

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

BUILDING: Any structure having a roof supported by columns or by walls, including tents (not used for camping only), lunch wagons, dining cars, mobile homes or trailers (used as a dwelling or for commercial purposes), and similar structures whether stationary or movable.

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

BUILDING COMMISSIONER: The zoning compliance official or his authorized representative appointed by the Hickman County Commission.

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

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

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

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

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

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.

CEMETERY: Any land or structure dedicated to and used, or intended to be used, for interment of human remains. Cemetery refers to all types of cemeteries, public or private, except family burial grounds.

CERTIFICATE OF OCCUPANCY: A written statement or certificate issued by the Building Commissioner indicating that the land, structure or part thereof is found to be in conformity with the provisions of this resolution.

CLINIC: See Medical Facility.

CONDITIONAL USE (SPECIAL EXCEPTION): A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning 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 specific provisions 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.

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

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

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

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

DAY CARE HOME OR CENTER: Any place, home, or institution, which receives five (5) or more unrelated young children for general care, exercise, play, or observation.

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

DEVELOPMENT PERMIT: Defined as a permit issued by the Building Commissioner 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 Hickman County, Tennessee.

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

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

- 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 as occupancy by three (3) or more households each of which has separate living quarters.
- d. Rooming house or boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants.
- e. Multi-family means an occupancy by three (3) or more households each of which has separate living quarters.
- f. Prefabricated dwelling means a 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 municipal and/or sanitary or on-site systems, and such structures are distinguished from mobile homes as described elsewhere in this resolution when they have no horizontal exterior dimensions of less than 15 feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.
- g. Mobile home or trailer means a transportable structure built on a permanent chassis, 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 mobile homes.

EGG PRODUCTION HOUSES: Any place or premises where chickens are kept for the production of eggs for resale to processors, wholesalers or retailers.

FAMILY: One or more persons occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or similar dwelling for group use.

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.

FEED LOT: Business of feeding or fattening livestock for slaughter in a 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.

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

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

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

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

HEALTH DEPARTMENT: The Hickman County Health Department.

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

HOME OCCUPATION: See Section 3.040.

HOSPITAL: See Medical Facilities.

JUNK - Rubbish and wasted or discarded items, including metal, wood, paper, glass and other objects and, including junk motor vehicles. The term shall not include items held for sale in a business establishment which holds a valid Tennessee Business License.

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.

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

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 wastes, psychological effects and generation of motor vehicle traffic.

LIVESTOCK: Cattle, sheep, swine, poultry and other animals or fowl which are being produced primarily for use as food or food products for human consumption.

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. All such spaces are designed so as to not require trucks and other vehicles to back onto public streets.

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, or not more than three principal dwellings in Agricultural areas as provided in Section 2.020 of these regulations, and their accessory buildings, including the open spaces required under this resolution.

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

LOT, CORNER: A lot of which at least two adjoining sides abut their full lengths on a street.

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

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

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

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

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

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

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

MEDICAL FACILITIES:

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

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

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

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

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

MOBILE HOME PARK: A place or tract of land not subdivided upon which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located. (See Section 3.080).

NONCONFORMING USE: A 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.

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

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

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

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

PARKING SPACE: An off-street space available for parking one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PERMANENT EASEMENT: The right granted by the owner of land to another party by deed or prescription, to allow vehicular access across one parcel of land to another.

PLANNING COMMISSION: The Hickman County Regional Planning Commission.

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

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

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

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the county health department and the State Department of Health and Environment.

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

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, community, or utility district sewerage treatment and disposal system of a type approved by the Tennessee Department of Environment and Conservation.

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

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.

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.

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

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

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

Advertising Sign: A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.

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

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

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

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

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

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

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

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

Wall or Flat Sign: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects no more than twelve (12) inches beyond the face of such wall.

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

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

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

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

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

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

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.

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.

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

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

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

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

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.

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.

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

ZONING RESOLUTION: This zoning resolution shall be known as the official Zoning Resolution of Hickman County.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the resolution
- 7.020 The enforcement officer
- 7.030 Zoning compliance permits (building permits)
- 7.040 Temporary use permits
- 7.050 Inspections of Compliance
- 7.060 Procedure for authorizing special exceptions
- 7.070 County Board of Zoning Appeals
- 7.080 Variances
- 7.090 Amendments to the resolution
- 7.100 Penalties
- 7.110 Remedies
- 7.120 Separability
- 7.130 Interpretation
- 7.140 Effective date

7.010. Administration of the resolution. Except as otherwise provided, no structure or land after the effective date shall 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 of this resolution the provisions 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 resolutions or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other resolutions or regulations is mandatory.

7.020. The enforcement officer. The provisions of the resolution shall be administered and enforced by the Building Commissioner who is empowered to make inspections of buildings or premises necessary to carry out his duties in the enforcement hereof. The Building Commissioner is accountable to the Board of County Commissioners through the County Mayor who shall administratively supervise his activities. In performance of administering and enforcing this resolution, the Building Commissioner shall:

- A. Issue all building permits and make and maintain records thereof.
- B. Conduct all Inspections of Compliance and make and maintain records thereof.
- C. Issue and renew, where applicable all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances, appeals or other matters on which the Board is required to act.

- F. 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 Building Commissioner shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030. Zoning compliance permit (Building Permits).

- (a) It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving alteration, or repair of any structure including expansion, including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land without a permit thereof, issued by the Building Commissioner. Agriculturally related construction is exempt. (See Section 5.070).
- (b) No Building Permit shall be issued by the Building Commissioner except in conformity with the provisions of this resolution, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided herein.

A. Application

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

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

B. "Sealed Plans" shall not be required for structures classified as business, factory-industrial, hazardous, mercantile, residential, and storage if such structures meet the following criteria:

1. Less than 3 stories in height.
2. Less than 5,000 sq. ft. in total gross area.
3. Is a one or two family dwelling or domestic out building.

4. Farm buildings not designed or intended for human habitation.
5. Except as stated above, all other plans must be "sealed plans", that is plans prepared by a registered architect or engineer.

C. Fees.

The Hickman County Commission shall from time-to-time establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the Office of the Building Commissioner. Only the County Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

D. 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 Building Commissioner shall issue a Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Commissioner shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this resolution.

E. Construction Progress.

Any Building Permit issued becomes invalid if work authorized is not commenced within twelve (12) 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.

7.040. Temporary Use Permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Building Commissioner as provided for in ARTICLE III, SECTION 3.030. Application for a Temporary Use Permit shall be made in writing to the Building Commissioner on the form provided for that purpose. A schedule of fees shall be established from time-to-time by the Hickman County Commission. Such schedule shall be posted in the office of the Building Commissioner. Until the appropriate fee has been paid in full no action shall be taken on any application.

7.050. Inspections of Compliance. After a building or premise or any part thereof is ready for occupancy and within one (1) year following occupancy, the Building Commissioner shall conduct a second inspection to insure compliance with this resolution. It is the owner's responsibility to correct deficiencies or be held in violation.

7.060. Procedure for authorizing special exceptions. The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is

required under Sections 13-7-107 and 13-7-108 of the Tennessee Code Annotated, by this resolution, or whether a review is requested by the Building Commissioner to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application.

An application for review shall be filed with the Board of Zoning Appeals. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

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

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

C. Criteria for Review.

Prior to the issuance of a special exception, the Board shall make written findings certifying that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yard and other open space.

8. General compatibility with adjacent properties and other property in the district.

D. Restrictions.

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this 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 applicant that the proposed use shall conform to such regulations at all times.

F. Time Limit.

All applications reviewed by the Board shall be decided within thirty (30) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

7.070. County Board of Zoning Appeals. A Hickman County Board of Zoning Appeals is hereby established in accordance with 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 Hickman County Commission. The Board members shall be appointed to five-year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year.

A. Procedure.

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

B. Appeals to the Board.

An appeal to the Hickman County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by any decision of the Building Commissioner based in whole or in part upon the provisions hereof. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Commissioner shall transmit to the Board all papers constituting the record upon which the appeal is taken. The Board shall fix a reasonable time for the hearing of the appeal, given a minimum of fifteen (15) days public notice thereof, as well as due notice (by registered mail) to the parties in interest, and decide the same within thirty (30) days of the meeting. At any hearing, any person or party may appear in person, by agent, or by attorney.

C. Stay of Proceedings.

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

D. Appeal to the Court.

Any person 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.

E. Powers of the Board.

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review.

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Commissioner or other administrative official in the carrying out or enforcement of any provision of this resolution. The fee shall be the same as stated in 7.080.B.

2. Special Exceptions.

To hear and decide applications for special exceptions as allowed in this resolution, hear requests for interpretation of the Zoning Atlas, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass. The fee shall be the same as stated in 7.080.B.

3. Variances.

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

7.080. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this resolution in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. Variances shall be granted from zoning restrictions such as heights, setback and lot density where such variances are reasonable and necessary 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. Variance Fee.

A fee as established from time-to-time by the Hickman County Commission 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 a receipt of the application and fee, the Board shall hold a hearing to decide whether a variance 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 thirty (30) days of such hearing 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 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.

6. Variances shall not be granted within any flood prone area if an increase in the level of the 100-year flood would result from the proposed development.

7.090. Amendments.

- (a) The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or repealed by the Hickman County Commission.
- (b) Any member of the County Commission may introduce such legislation, or any official, board, or any other person may present a petition to the County Commission requesting an amendment or amendments. Amendments must be in relation to the Hickman County Plan and the general welfare of the county.
- (c) No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission.
- (d) No amendment shall be adopted unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.
- (e) Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the County.

A. Zoning Amendment and Rezoning Fees.

A fee as established from time-to-time by the Hickman County Commission shall be due and payable at the time of filing of any petition with requests to amend. The fee is to be used by Hickman County to defray costs resulting from action required upon such petition and any subsequent amendment.

7.100. Penalties. Any person or persons violating any provisions of this resolution shall be guilty of a misdemeanor, and upon conviction shall be fined appropriately for each offense. Each day such violations continue shall constitute a separate offense.

7.110. Remedies. In addition to the provisions for criminal sanctions provided by State law, 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 Building Commissioner or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

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

7.130. Interpretation. Whenever the conditions hereof require more restrictive standards than are required in or under any other statute, the requirements hereof shall govern. Whenever the conditions of any other statute require more restrictive standards than are required herein, the conditions of such statute shall govern.

7.140. Effective date. This resolution shall take effect from and after its passage, the public welfare requiring it.

Certified by the Hickman County Regional Planning Commission

Date

Secretary

Date of Passage of Resolution by the Hickman County Commission

Date

County Mayor